FEDERAL REGISTER

VOLUME 18 NUMBER 149

Washington, Friday, July 31, 1953

TITLE 5—ADMINISTRATIVE PERSONNEL

Chapter I—Civil Service Commission

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

FEDERAL HOUSING ADMINISTRATION

1. Effective upon publication in the FEDERAL REGISTER, § 6.142 (c) (5) is revoked, and § 6.142 (c) (1) is amended to read as follows:

§ 6.142 *Housing and Home Finance Agency.* * * *

(c) *Federal Housing Administration.* (1) One Special Assistant to the Assistant Commissioner (Field Operations)

2. Effective upon publication in the FEDERAL REGISTER, the positions listed below are excepted from the competitive service under Schedule C.

§ 6.342 *Housing and Home Finance Agency.* * * *

(b) *Federal Housing Administration.* (1) One Deputy Commissioner.

(2) One General Counsel.

(3) One Assistant Commissioner, Field Operations.

(4) One Assistant Commissioner, Underwriting.

(5) One Assistant Commissioner, Rental Housing.

(6) One Assistant Commissioner, Cooperative Housing.

(7) One Assistant Commissioner, Title I.

(8) One Assistant to the Commissioner.

(9) Five Regional Directors in the Office of the Assistant Commissioner, Field Operations, as members of the Federal Housing Administration Executive Board.

(10) One Minority Group Housing Adviser.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,

[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-6620; Filed, July 30, 1953; 8:45 a. m.]

PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

DEPARTMENT OF AGRICULTURE

1. Effective upon publication in the FEDERAL REGISTER, paragraphs (g) (k) (3) and (l) (1) of § 6.111 are revoked.

2. Effective upon publication in the FEDERAL REGISTER, § 6.211 (b) is amended to read as follows:

§ 6.211 *Department of Agriculture.* * * *

(b) *Farm Credit Administration.* (1) The Director and Assistant Director of the Regional Agricultural Credit Division, and the Director of the Mortgage Corporation Service Section.

(2) Special Field Representatives who serve as Vice Presidents of the Federal Farm Mortgage Corporation.

3. Effective upon publication in the FEDERAL REGISTER, the positions listed below are excepted from the competitive service under Schedule C.

§ 6.311 *Department of Agriculture.* * * *

(b) *Rural Electrification Administration.* * * *

(2) One Deputy Administrator.

(3) One Assistant Administrator.

* * * * * *

(h) *Farmers Home Administration.* (1) One Deputy Administrator.

(2) One Assistant Administrator.

(3) One Assistant to the Administrator.

(4) One Confidential Assistant to the Administrator.

(i) *Agricultural Conservation Program.* (1) Chief, Agricultural Conservation Program.

(2) One Assistant Chief.

(3) One Private Secretary to the Chief.

(j) *Federal Crop Insurance Corporation.* (1) The Manager.

(2) One Assistant Manager.

(3) Members of the Board of Directors.

(4) One Private Secretary to the Manager.

(k) *Farm Credit Administration.* (1) Two Deputy Governors.

(2) Four Deputy Commissioners.

(3) One Assistant Cooperative Bank Commissioner.

(Continued on p. 4489)

CONTENTS

Agriculture Department — Page
See also Commodity Credit Corporation; Entomology and Plant Quarantine Bureau; Production and Marketing Administration.
Notices:
Bureau of Entomology and Plant Quarantine; delegation of authority relating to Golden Nematode Suppressive Program 4504

Civil Aeronautics Administration
Notices:
Organization and functions; miscellaneous amendments 4505

Civil Service Commission
Rules and regulations:
Competitive service, exceptions from:
Department of Agriculture 4487
Federal Housing Administration 4487

Commerce Department
See Civil Aeronautics Administration.

Commodity Credit Corporation
Rules and regulations:
Oilseeds; 1952 cottonseed products purchase program; cottonseed cake or meal purchases 4489
Wheat; 1953-crop loan and purchase agreement program; support rates 4489

Defense Mobilization Office
Notices:
Finding and determination of critical defense housing areas under the Defense Housing and Community Facilities and Services Act of 1951.
Greenville, Miss 4503
Grosse Ile, Mich 4503

Economic Stabilization Agency
See Rent Stabilization Office.

Entomology and Plant Quarantine Bureau
Rules and regulations:
Golden Nematode Suppressive Program, 1953 season; cooperative suppression of plant diseases and insect pests 4490

FEDERAL REGISTER

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CONTENTS—Continued

Federal Power Commission Page
Notices:
Texas Eastern Transmission Corp., order reconvening hearing 4506

Federal Trade Commission
Rules and regulations:
A. C. Liepe Pharmacy, Inc., et al., cease and desist order 4496

Indian Affairs Bureau
Rules and regulations:
Grazing, Pine Ridge Aerial Gunnery Range; permits and fees 4498

Interior Department
See Indian Affairs Bureau.

Internal Revenue Service
Rules and regulations:
Income tax; taxable years beginning after December 31, 1941, and under the Internal Revenue Code; taxation of beneficiaries of certain trusts and treatment of full-time insurance salesmen as employees for certain purposes 4498

Interstate Commerce Commission
Notices:
Applications for relief:
Barite from Butterfield and Malvern, Ark., to Provo, Utah 4508
Cast iron pipe from the South to Derby, Colo 4508
Crushed-stone from Georgia, Ind., and Cisne, Ill 4506
Ferro-phosphorus from Victor, Fla., to Fairless, Pa 4506
Soft coal or bituminous fine coal from Illinois and Kentucky to Carlisle, Iowa 4507
Sulphuric acid from Houston, Tex., to Hattiesburg, Miss 4507
Wax from the Southwest to the West 4507
Zircon ore from Melbourne, Fla., to official and Illinois territories 4507
Rules and regulations:
Car service:
Movement of grain to terminal elevators by permit 4503
Railroad operating regulations for freight car movement 4503
Saturdays to be included in computing demurrage on all freight cars (2 documents) 4503
Lease and interchange of vehicles:
Exemptions 4504
Postponement of effective date 4504

Post Office Department
Rules and regulations:
Classification and rates or postage; free matter in the mails; treatment of mail matter in railway mail service; miscellaneous amendments 4501

CONTENTS—Continued

Production and Marketing Administration Page
Rules and regulations:
Almonds grown in California, order suspending certain provisions 4491
Dried prunes produced in California:
Order finding estimated seasonal average price for crop year beginning August 1, 1953, will be in excess of parity and providing for special regulation of prunes for said crop year 4495
Order with respect to superseding minimum standards for grades of natural condition prunes and processed prunes 4495
Milk handling in certain marketing areas:
Dayton-Springfield, Ohio 4494
North Texas 4491
Potatoes, Irish; approval of budget of expenses and fixing rates of assessment for committees in:
Certain designated counties in Idaho and Malheur County, Oregon 4493
Washington 4495
Wheat and wheat-flour export program; terms and conditions of 1953–54 program; designated countries 4489

Rent Stabilization Office
Rules and regulations:
Certain defense-rental areas in Illinois:
Hotels 4501
Housing 4500
Motor courts 4501
Rooms 4500

Treasury Department
See also Internal Revenue Service.
Notices:
Importation of ginger, shark fins, and walnuts directly from Japan; available certification 4504

CODIFICATION GUIDE

A numerical list of the parts of the Code of Federal Regulations affected by documents published in this issue. Proposed rules, as opposed to final actions, are identified as such.

Title 5 Page
Chapter I:
Part 6 (2 documents) 4487

Title 6
Chapter IV
Part 571 4489
Part 601 4489
Part 643 4489

Title 7
Chapter III.
Part 303 4490
Chapter IX.
Part 909 4491
Part 943 4491
Part 957 4493
Part 971 4494

CODIFICATION GUIDE—Con.

Title 7—Continued	Page
Chapter IX—Continued	
Part 992	4495
Part 993 (2 documents)	4495
Title 16	
Chapter I:	
Part 3	4496
Title 25	
Chapter I.	
Part 73	4498
Title 26	
Chapter I.	
Part 19	4498
Part 29	4498
Title 32A	
Chapter XXI (ORS)	
RR 1	4500
RR 2	4500
RR 3	4501
RR 4	4501
Title 39	
Chapter I.	
Part 34	4501
Part 37	4501
Part 108	4501
Title 49	
Chapter I.	
Part 95 (4 documents)	4503
Part 207 (2 documents)	4504

(4) One Assistant Intermediate Bank Commissioner.

(R. S. 1753, sec. 2, 22 Stat. 403; 5 U. S. C. 631, 633. E. O. 10440, March 31, 1953, 18 F. R. 1823)

UNITED STATES CIVIL SERVICE COMMISSION,
[SEAL] WM. C. HULL,
Executive Assistant.

[F. R. Doc. 53-6716; Filed, July 30, 1953; 8:51 a. m.]

TITLE 6—AGRICULTURAL CREDIT

Chapter IV—Production and Marketing Administration and Commodity Credit Corporation, Department of Agriculture

Subchapter B—Export and Diversion Programs

PART 571—WHEAT

SUBPART A—WHEAT AND WHEAT-FLOUR EXPORT PROGRAM—INTERNATIONAL WHEAT AGREEMENT

TERMS AND CONDITIONS OF 1953-54 PROGRAM; DESIGNATED COUNTRIES

The terms and conditions of 1953-54 Wheat and Wheat-Flour Export Program (18 F R. 3744) issued on June 25, 1953, are amended as follows:

Section 571.353 is amended to include four additional countries—Federative Peoples Republic of Yugoslavia, Hashemite Kingdom of the Jordan, Republic of Korea and Vatican City State—so that the amended section reads as follows:

§ 571.353 *Designated countries.* A designated country shall be any one of the following countries, including territories, which has been designated by announcement issued in connection with export payment rates provided for in § 571.340:

Austria.	Ireland.
Belgium.	Israel.
Bolivia.	Italy.
Brazil.	Japan.
Ceylon.	Lebanon.
Costa Rica.	Liberia.
Cuba.	Mexico.
Denmark.	Netherlands.
Dominican Republic.	New Zealand.
Ecuador.	Nicaragua.
Egypt.	Norway.
El Salvador.	Panama.
Federative Peoples Republic of Yugoslovia.	Peru.
	Philippines.
	Portugal.
Germany.	Republic of Korea.
Greece.	Saudi Arabia.
Guatemala.	Spain.
Haiti.	Sweden.
Hashemite Kingdom of Jordan.	Switzerland.
	Union of South Africa.
Honduras.	
Iceland.	Vatican City State.
India.	Venezuela.
Indonesia.	

The foregoing list may be amended from time to time. Nothing in this subpart shall be deemed to authorize the exportation of wheat or flour in violation of any statute, order or regulation now in existence or hereafter established.

(Sec. 32, 49 Stat. 774, as amended; 7 U. S. C. 612c)

Issued this 27th day of July 1953.

[SEAL] HOWARD H. GORDON,
Administrator, Production and Marketing Administration.

[F. R. Doc. 53-6717; Filed, July 30, 1953; 8:51 a. m.]

Subchapter C—Loans, Purchases, and Other Operations

[1953 C. C. C. Grain Price Support Bulletin 1, Supp. 1, Amdt. 2, Wheat]

PART 601—GRAINS AND RELATED COMMODITIES

SUBPART—1953-CROP WHEAT LOAN AND PURCHASE AGREEMENT PROGRAM

SUPPORT RATES

The regulations issued by Commodity Credit Corporation and the Production and Marketing Administration published in 18 F. R. 2733, 3979, and 4153 and containing the specific requirements for the 1953-Crop Wheat Price Support Program are hereby amended as follows:

Section 601.103 (a) (3) is amended by adding Albany, New York, to the terminal markets listed therein so that the amended subparagraph (3) reads as follows:

§ 601.103 *Determination of support rates.* * * *

(a) *Support rates at designated terminal markets.* * * *

(3) (i) When shipped by rail or water and stored at any of the following terminal markets:

Los Angeles, San Francisco, and Oakland, Calif., New Orleans, La., Baltimore, Md., Duluth, Minn., Portland and Astoria, Oreg.; Albany and New York, N. Y., Philadelphia, Pa., Galveston and Houston, Tex.; Norfolk, Va., Seattle, Longview, Tacoma, and Vancouver, Wash., Superior, Wis.

Wheat for which neither registered freight bills nor such freight certificates are presented to guarantee outbound movement at the minimum proportional domestic interstate freight rate, shall have a support rate equal to the applicable terminal rate.

(ii) For wheat received by truck and stored at any of the terminal markets listed in subdivision (i) of this subparagraph, the support rate shall be determined by making a deduction from the terminal rate as follows:

Terminal:	*Amount of deduction (cents per bushel)*
Los Angeles, San Francisco, and Oakland, Calif., Duluth, Minn., Portland and Astoria, Oreg.; Seattle, Longview, Tacoma, and Vancouver, Wash., Superior, Wis.	4½
New Orleans, La., Baltimore, Md., Philadelphia, Pa., Galveston and Houston, Tex.; Norfolk, Va., Albany and New York, N. Y.	6

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62 Stat. 1072, secs. 101, 401, 63 Stat. 1051, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1441, 1421)

Issued this 28th day of July 1953.

[SEAL] HOWARD H. GORDON,
Executive Vice President, Commodity Credit Corporation.

Approved:

HOWARD H. GORDON,
Acting President, Commodity Credit Corporation.

[F. R. Doc. 53-6718; Filed, July 30, 1953; 8:51 a. m.]

[1952 CCC Cottonseed Bulletin 3, Amdt. 4]

PART 643—OILSEEDS

SUBPART—1952 COTTONSEED PRODUCTS PURCHASE PROGRAM

COTTONSEED CAKE OR MEAL PURCHASES

The regulations of Commodity Credit Corporation with respect to the purchase of cottonseed products as a means of supporting the price of 1952 crop cottonseed (1952 CCC Cottonseed Bulletin 3, as amended; 17 F. R. 4638, 8677, 18 F. R. 1411, 2779) are hereby amended by changing paragraph (b) of § 643.747 thereof in order to exclude consideration of color as a requirement for prime quality meal, so that paragraph (b) reads as follows:

§ 643.747 *Cottonseed cake or meal purchases.* * * *

(b) *Quality.* The quality shall be prime, as defined in the rules of the National Cottonseed Products Association except as to the color requirements contained in Rule 102, and except as provided in § 643.748.

(Sec. 4, 62 Stat. 1070, as amended; 15 U. S. C. Sup. 714b. Interprets or applies sec. 5, 62

Stat. 1072, secs. 301, 401, 63 Stat. 1053, 1054; 15 U. S. C. Sup. 714c, 7 U. S. C. Sup. 1447, 1421)

Issued this 27th day of July 1953.

[SEAL] HOWARD H. GORDON,
Executive Vice President,
Commodity Credit Corporation.

Approved:

HOWARD H. GORDON,
Acting President,
Commodity Credit Corporation.

[F. R. Doc. 53-6719; Filed, July 30, 1953; 8:51 a. m.]

TITLE 7—AGRICULTURE

Chapter III—Bureau of Entomology and Plant Quarantine, Department of Agriculture

PART 303—COOPERATIVE SUPPRESSION OF PLANT DISEASES AND INSECT PESTS

SUBPART—GOLDEN NEMATODE SUPPRESSIVE PROGRAM, 1953 SEASON

Pursuant to the authority conferred by the Golden Nematode Act (62 Stat. 442; 7 U. S. C. Supp. V 150–150e) and the Secretary of Agriculture of the United States having determined that the State of New York, through legislation, appropriations, and issuance of quarantine regulations has provided authority, funds, and other means for that State to carry out effectively for the 1953 potato crop year a cooperative program to suppress, control, and prevent the spread of the infestation of the golden nematode known to exist in a certain area in that State, the Secretary of Agriculture of the United States and the Commissioner of Agriculture and Markets of the State of New York hereby cooperatively promulgate the following regulations to govern the payment of compensation to growers in such area for not planting potatoes pursuant to such program.

Sec.
303.1 Eligibility for compensation.
303.2 Payment of compensation.
303.3 Agreement and voucher requirements.
303.4 Administration.

AUTHORITY: §§ 303.1 to 303.4 issued under 62 Stat. 442; 7 U. S. C. Sup. 150–150e.

§ 303.1 *Eligibility for compensation.* Compensation will be paid under the regulations in this subpart only to persons who: (a) During the 1953 potato crop year own and operate land customarily used for growing potatoes in the portion of Long Island, New York, where the golden nematode is known to occur; (b) refrain from planting potatoes on those portions of such land which are found to be infested or dangerously exposed to infestation by the golden nematode and plant on such portions of the land only crops approved by the Department of Agriculture and Markets of the State of New York (hereinafter called the New York Department of Agriculture) (c) comply in good faith with all regulations concerning the golden nematode promulgated by the United States Department of Agriculture and the New York Department of Agriculture; and (d) execute an agreement in the form provided for in § 303.3 and comply therewith.

§ 303.2 *Payment of compensation.* (a) Losses to owner-operators of lands found to be infested by or dangerously exposed to infestation by the golden nematode, arising from such owner-operators' refraining from planting potatoes pursuant to the cooperative program for the control and suppression of such nematode, shall be borne by the United States Department of Agriculture, the New York Department of Agriculture, and the owner-operators.

(b) Compensation to each owner-operator eligible therefor under the provisions of this subpart will be paid jointly and in equal amounts by the United States Department of Agriculture and the New York Department of Agriculture.

(c) It has been determined that, based on (1) the estimated value of crops approved by the New York Department of Agriculture for production on lands infested by the golden nematode, (2) an analysis of the average cost of producing potatoes in Long Island, New York, (3) the average annual yield of potatoes in Long Island, and (4) the estimated sale value of potatoes in that area, joint compensation of $60 per acre will not be more than two-thirds of the total loss accruing to any owner-operator from the nonplanting of potatoes. Therefore, compensation at the rate of $60 per acre will be paid to each eligible owner-operator with respect to lands of such owner-operator which are found to be infested by or exposed to infestation by the golden nematode. One-half of such payment will be made by the United States Department of Agriculture and the other one-half will be made by the New York Department of Agriculture.

§ 303.3 *Agreement and voucher requirements.* Each owner-operator who wishes to be eligible for compensation under the regulations in this subpart shall execute an agreement with the New York Department of Agriculture on a form obtainable from said Department. The agreement shall be executed at least in duplicate. Claim for Federal compensation under the regulations in this subpart shall be made by each owner-operator eligible therefor by submitting to the United States Department of Agriculture one fully executed copy of the agreement certified by a responsible officer of the New York Department of Agriculture with a voucher (Standard Form 1034) executed by the owner-operator stating the purpose of the voucher substantially as follows:

One-half of compensation for refraining from planting potatoes on _____ acres of land infested by or exposed to the golden nematode.

The agreement and certificate will be deemed a part of the voucher. The agreement and certificate shall conform substantially to the sample forms thereof, filed in the Federal Register Division with this document.[1]

[1] Filed as part of the original document.

§ 303.4 *Administration.* The Bureau of Entomology and Plant Quarantine of the United States Department of Agriculture has been authorized to carry out, on behalf of the Federal Government, the cooperative program to suppress, control and prevent the spread of the golden nematode during the 1953 potato crop year. The Federal official in charge of the Golden Nematode Project, working under the direction of the Chief of said Bureau, has been designated as the authorized agent of the Secretary of Agriculture of the United States for determining eligibility for compensation under the regulations in this subpart and approving the amount of compensation to be paid by the United States Department of Agriculture to any owner-operator who refrains from planting potatoes during the 1953 potato crop year.

Enabling legislation by the State of New York authorizing State cooperation, required by section 4 of the Golden Nematode Act as a requisite for Federal participation, is contained in Chapter 171 approved March 24, 1953. Regulations pertaining to the cooperative program to suppress the golden nematode for the 1952 season became effective September 24, 1952, 7 CFR, Supp. 303.1 to 303.4. The program to suppress the golden nematode was cooperatively reviewed September 24, 1952 by the United States Department of Agriculture and the Department of Agriculture and Markets of the State of New York, and it was jointly agreed that for the season of 1953 the procedures followed for the 1952 season would be continued and the rate of compensation paid to each owner-operator of lands infested by or exposed to infestation by the golden nematode would be $60 per acre. Information with reference to this program was presented to the land owners in advance of 1953 planting operations. Land owners recognized the value of the program for suppressing, controlling, and preventing the spread of the golden nematode.

Compliance with the provisions of the regulations is not obligatory, but confers a benefit upon eligible land owners. Accordingly, pursuant to the provisions of section 4 of the Administrative Procedure Act (5 U. S. C. 1003), it is found, upon good cause, that further notice and public procedure on these regulations are unnecessary, impracticable and contrary to the public interest, and good cause is found for their issuance effective less than 30 days after publication.

The regulations in this subpart shall be effective July 31, 1953, and on that date shall supersede the regulations contained in 7 CFR, 1952 Supp. 303.1 et seq., effective September 24, 1952.

Done at Washington, D. C., this 28th day of July 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

Concurred with July 6, 1953.

C. CHESTER DUMOND,
Commissioner of Agriculture and Markets, State of New York.

[F. R. Doc. 53-6720; Filed, July 30, 1953; 8:52 a. m.]

Chapter IX—Production and Marketing Administration (Marketing Agreements and Orders), Department of Agriculture

PART 909—ALMONDS GROWN IN CALIFORNIA

ORDER SUSPENDING CERTAIN PROVISIONS

Pursuant to the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) hereinafter referred to as the "act," and of the marketing agreement and order (7 CFR, 1952 Rev., Part 909) regulating the handling of almonds grown in California, hereinafter referred to as the "order," it is hereby found and determined that the following provisions of the order will not end to effectuate the declared policy of the act for August and September 1953: The provisions of § 909.101 (e) and the sentence in § 909.102 which reads, "Such authorization shall expire as of August 1 of the next crop year, and any surplus then remaining undisposed of by the handler shall be returned to the board."

The aforementioned finding and determination is made for the following reasons: (1) Handlers have on hand unsold approximately 1,800,000 pounds of surplus almonds, kernel weight basis, or approximately one-third of the 1952–53 crop year surplus; (2) handlers will not be able to dispose of the surplus prior to August 1, 1953, the date on which their agency agreements with the board otherwise would expire and the unsold surplus would have to be turned over to the board; (3) the provision in the order that the board permit handlers as its agents to dispose of their own surpluses is based on promulgation hearing evidence that such procedure would result in higher returns for the surplus. To the extent that this is true the recommended action will tend to effectuate the declared policy of the act; (4) the board is required to dispose of any surplus which it takes over as soon as practicable through the most readily available outlets which would probably mean diversion of a large part of the remaining surplus to oil, a relatively low return outlet; (5) handlers need the additional time (August and September) provided by this suspension action in which to dispose of the remaining surplus in the most remunerative outlets. The board believes that the indicated period will be adequate for this purpose; and (6) handlers are in process of negotiating for the sale of their surpluses and unless the suspension action is taken potential sales may be lost and the expenses of surplus disposal will be increased.

It is, therefore, ordered, That the following provisions of the order be and hereby are, suspended for August and September 1953: The provisions of § 909.101 (e) and the sentence in § 909.102 which reads, "Such authorization shall expire as of August 1 of the next crop year, and any surplus then remaining undisposed of by the handler shall be returned to the board."

Notice of proposed rule making, public participation in a rule making action in this connection, and publication or service of this suspension order 30 days prior to its effective date (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) would be impracticable, unnecessary, and contrary to the the public interest in the present connection. As is set forth above in reasons why this suspension action is necessary, it is imperative that such action be made effective prior to August 1, 1953. Such action will benefit the persons affected thereby, in that it will afford them an additional period of two months in which to make dispositions of surplus almonds as agents for the Almond Control Board. Further, the taking of such action was previously considered and recommended unanimously by the Almond Control Board, which includes representatives of almond handlers in its membership. Also, that such action would be requested has been known by almond handlers generally for some time, and the circumstances are such that the making of it effective at 11:59 p. m., P. s. t., July 31, 1953, will require no advance preparation on their part.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 28th day of July 1953, to be effective at 11:59 p. m., P. s. t., July 31, 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-6746; Filed, July 30, 1953; 8:54 a. m.]

PART 943—MILK IN THE NORTH TEXAS MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 943.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order, and of the previously issued amendment thereto and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held upon certain proposed amendments to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the North Texas marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions thereof, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds, and other economic conditions which affect market supplies of and demand for milk in the marketing area, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as, and is applicable only to persons in the respective classes of industrial and commercial activity, specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is necessary in the public interest to make this order amending the order, as amended, effective not later than August 1, 1953. Any delay beyond August 1, 1953, in the effective date of this order amending the order, as amended, will seriously impair the orderly marketing of milk for the North Texas marketing area. The changes effected by this order amending the order, as amended, do not require of persons affected, substantial or extensive preparation prior to the effective date. In view of the foregoing, it is hereby found that good cause exists for making this order effective August 1, 1953 (see sec. 4 (c) Administrative Procedure Act, 5 U. S. C. 1003 (c)).

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order amending the order, as amended, which is marketed within the North Texas marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that;

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area; and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (June 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered that on and after the effective date hereof the handling of milk in the North Texas marketing area shall be in conformity to and in compliance with the terms and conditions of the aforesaid order as amended, and as hereby further amended, and the afore-

said order is hereby further amended as follows:

1. Delete § 943.7 and substitute therefor:

§ 943.7 *Approved plant.* "Approved plant" means:

(a) A milk plant approved by any health authority having jurisdiction in the marketing area for the processing or packaging of Grade A milk or milk products and from which such milk or milk products are disposed of on route(s) in the marketing area; or

(b) A milk plant approved by and under the routine inspection of the appropriate health authority of the city of Dallas or of the city of Fort Worth, at which milk from dairy farmers inspected and approved by such authority is weighed and commingled; and

(1) 50 percent or more of the receipts of such milk during the month is moved from such plant as milk or skim milk in bulk to plant(s) specified in paragraph (a) of this section and assigned as reserve supply credit pursuant to § 943.17; or

(2) (i) Such plant has qualified as an approved plant pursuant to subparagraph (1) of this paragraph during four months of the current or immediately preceding period of August through January, or in lieu thereof with respect to qualification through January 1954, such plant was an approved plant pursuant to this order during the month of May 1953; (ii) written application for continuing status as an approved plant has been filed with the market administrator, and (iii) disposition of milk from such plant has been such that it is still possible for such plant to qualify as an approved plant pursuant to subparagraph (1) of this paragraph during four of the months within the period of August through January next following the period of qualification described in subdivision (i) of this subparagraph.

2. Delete § 943.10 and substitute therefor:

§ 943.10 *Producer.* "Producer" means any person, other than a producer-handler, who produces milk approved by the applicable health authorities having jurisdiction within the marketing area for consumption as Grade A milk, which milk is received directly from the farm at an approved plant. "Producer" shall not include any such person during periods of temporary degrading by such health authority if such health authority notifies the operator of the approved plant or the market administrator in writing of the effective date or dates of such action and subsequent reapproval. "Producer" shall include any such person whose milk is caused to be diverted by a handler to an unapproved plant for the account of such handler, and milk so diverted shall be regarded for all purposes of this order to have been received by such handler at an approved plant at the location of such unapproved plant and then transferred to the unapproved plant. "Producer" shall not include any such person with respect to milk produced by him which is received at a plant operated by a handler who is subject to another Federal marketing order and who is partially exempt from this subpart pursuant to § 943.61.

3. Insert two new sections following § 943.15, as follows:

§ 943.16 *Route.* "Route" means any delivery (including any delivery by a vendor or disposition at a plant store) of milk, skim milk, buttermilk, flavored milk, flavored milk drinks or cream other than a delivery in bulk form to a milk processing plant.

§ 943.17 *Reserve supply credit.* The hundredweight of reserve supply credit that may be assigned to milk moved to a plant described in § 943.7 (a) shall be calculated as follows: From the total hundredweight of milk disposed of as Class I milk from the transferee plant during the month deduct Class I sales to other handlers and from this result deduct an amount equal to 85 percent of the total hundredweight of milk received from producers during the month at such plant. Any plus figure resulting from this calculation shall be assigned pro rata to milk moved to such plant from plants described in § 943.7 (b) unless the operator of the transferee-plant notifies the market administrator in writing of a different assignment on or before the 7th day after the end of the month.

4. In § 943.22 (h) delete the words "within 10 days"

5. Delete § 943.41 and substitute therefor:

§ 943.41 *Classes of utilization.* Subject to the conditions set forth in §§ 943.43 and 943.44, the classes of utilization shall be as follows:

(a) Class I milk shall be all skim milk (including reconstituted skim milk) and butterfat:

(1) Disposed of in the form of milk, skim milk, buttermilk, flavored milk drinks, cream, cultured sour cream, any mixture (except eggnog and bulk ice cream and frozen dairy product mixes) of cream and milk or skim milk;

(2) Used to produce concentrated (including frozen) milk, flavored milk or flavored milk drinks disposed of for fluid consumption neither sterilized nor in hermetically sealed cans; and

(3) All other skim milk and butterfat not specifically accounted for as Class II milk;

(b) Class II milk shall be all skim milk and butterfat:

(1) Used to produce any product other than those specified in paragraph (a) of this section;

(2) Disposed of for livestock feed;

(3) Disposed of in bulk, during the months of March through August, or as bulk cream during any month, to commercial bakeries or food products manufacturing plants (other than dairy plants) which do not dispose of milk for fluid consumption;

(4) In frozen cream stored in a public cold storage warehouse and not removed within 30 days after date of storage;

(5) In shrinkage up to 2 percent (5 percent, with respect to receipts of skim milk during the months of April, May and June) of skim milk and butterfat in receipts from producers;

(6) In shrinkage of other source milk; and

(7) In inventory at the end of the month in the forms specified in paragraph (a) (1) and (2) of this section.

6. Delete § 943.43 (b) and substitute therefor:

(b) Any skim milk or butterfat classified as Class II milk shall be reclassified if such skim milk or butterfat is later disposed of by such handler or by another handler (whether in original or other form) as Class I milk. Any skim milk or butterfat which was classified as Class II in the previous month pursuant to § 943.41 (b) (7) shall be reclassified as Class I if it is subtracted in the current month from Class I pursuant to § 943.46 (a) (5)

7. Delete paragraphs (c) (d) and (e) of § 943.44 and substitute therefor:

(c) As Class I milk, if transferred or diverted in the form of milk or skim milk to an unapproved plant located (1) more than 300 miles from Dallas, Texas, by shortest highway distance as determined by the market administrator and (2) outside the counties of Barry, Cedar, Greene, Lawrence, Polk, Newton and McDonald in the State of Missouri, and Benton in the State of Arkansas;

(d) As Class I milk if transferred in the form of cream under Grade A certification to an unapproved plant, or unless the handler claims classification as Class II milk and establishes the fact that such cream was transferred without Grade A certification and with each container labeled or tagged to indicate that the contents are an ungraded product suitable for manufacturing use only and that the shipment was so invoiced;

(e) As Class I milk if transferred or diverted in the form of milk or skim milk to an unapproved plant not described in paragraph (c) of this section, unless the conditions in subparagraphs (1) and (2) of this paragraph are met:

(1) The handler claims classification as Class II milk on the basis of utilization mutually indicated in writing to the market administrator by the handler and the operator of the unapproved plant on or before the 7th day after the end of the month within which such transfer occurred; and

(2) The operator of the unapproved plant maintains books and records showing the receipts and utilization of all skim milk and butterfat at such plant which are made available if requested by the market administrator for the purpose of verification:

(3) If the conditions in subparagraphs (1) and (2) of this paragraph are met, the classification reported by the handler shall be subject to verification by the market administrator as follows:

(i) Determine the use of all skim milk and butterfat at such unapproved plant, and

(ii) Allocate the skim milk and butterfat so transferred or diverted to the highest use classification remaining after

subtracting, in series beginning with Class I milk, the skim milk and butterfat in milk received at the unapproved plant direct from dairy farmers who the market administrator determines constitute the regular source of supply for fluid usage of such unapproved plant in markets supplied by it.

(iii) The classification of milk transferred or diverted to an unapproved plant from which all receipts are moved in bulk to a second unapproved plant for further processing shall be determined on the basis of utilization in such second plant.

8. In § 943.46 delete paragraph (a) (4) and substitute therefor:

(4) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in receipts of other source milk;

9. In § 943.46 (a) renumber subparagraphs (5) (6) and (7) as subparagraphs (6) (7) and (8) respectively, and insert a new subparagraph (5) as follows:

(5) Subtract from the remaining pounds of skim milk in each class, in series beginning with Class II, the pounds of skim milk in inventory at the beginning of the month in the form of milk, skim milk, cream or any product specified in § 943.41 (a) (1) or (2)

10. In § 943.50 (a) delete from the list of plants and places the following: "Carnation Company, Jefferson, Wisconsin."

11. Delete § 943.51 and substitute therefor:

§ 943.51 *Class prices.* Subject to the provisions of § 943.52, the minimum prices per hundredweight to be paid by each handler for milk received at his approved plant from producers during the month shall be as follows:

(a) *Class I milk.* The basic formula price (rounded to the nearest one-tenth cent) for the preceding month, plus $2.00 for each of the months of April, May and June, and plus $2.20 for all other months, subject to the following:

(1) A supply-demand adjustment of not more than 50 cents computed as follows:

(i) For the second and third months preceding the month to which the price applies determine the total pounds of Class I milk (less interhandler transfers) for all handlers exclusive of producer-handlers and handlers partially exempt from this order pursuant to § 943.61,

(ii) For the same months determine the total pounds of milk received from producers by the same handlers;

(iii) Divide the result obtained in subdivision (ii) of this subparagraph by the result obtained in subdivision (i) of this subparagraph to obtain a "net utilization percentage," rounded to the nearest whole percent;

(iv) For each percentage point that the "net utilization percentage" is less than the minimum percentage listed below for such two-month period the Class I price shall be increased 2 cents in April, May and June, 3 cents in July, August, December, January, February and March, and 4 cents in September, October, and November; for each percentage point that the "net utilization percentage" is more than the maximum percentage listed below for such two-month period the Class I price shall be decreased 4 cents in April, May and June, 3 cents in July, August, December, January, February and March; and 2 cents in September, October and November:

2-month period	Percentages		Month to which adjustment applies
	Minimum	Maximum	
January-February	103	118	April.
February-March	112	122	May.
March-April	115	125	June.
April-May	120	130	July.
May-June	125	135	August.
June-July	120	130	September.
July-August	115	125	October.
August-September	107	117	November.
September-October	100	110	December.
October-November	100	110	January.
November-December	102	112	February.
December-January	105	115	March.

(2) Except for adjustments pursuant to subparagraph (1) of this paragraph, such price for each of the months of October, November and December shall not be less than that for the preceding month, and such price for each of the months of April, May and June shall not be more than that for the preceding month.

(b) *Class II milk.* The price computed pursuant to § 943.50 (c) for the months of April, May and June, and the higher of the prices computed pursuant to § 943.50 (b) or (c) for all other months, rounded in each case to the nearest one-tenth cent.

12. In § 943.52, delete the last phrase preceding paragraph (a) which reads "and dividing the result by 10." and substitute therefor: " dividing the result by 10 and rounding to the nearest one-tenth cent."

13. Delete § 943.70 and substitute therefor:

§ 943.70 *Computation of value of milk.* The value of milk received during each month by each handler from producers shall be a sum of money computed by the market administrator as follows:

(a) Multiply the pounds of such milk in each class by the applicable respective class prices and add together the resulting amounts;

(b) Add an amount computed by multiplying the pounds of overage deducted from each class pursuant to § 943.46 (a) (8) by the applicable class price(s), and

(c) Add any charges computed as follows:

(1) For any skim milk or butterfat in inventory reclassified pursuant to § 943.43 (b) which is not in excess of the quantity in producer milk classified as Class II milk (other than as shrinkage) in the handler's plant(s) for the preceding month, a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price of the preceding month;

(2) For any other skim milk or butterfat reclassified pursuant to § 943.43 (b) a charge shall be computed at the difference between its value at the Class I price for the current month and its value at the Class II price for the month in which previously classified as Class II milk.

14. Delete § 943.90 (b) and substitute therefor:

(b) On or before the 25th day of each month, to each producer (1) for whom payment is not made pursuant to paragraph (c) of this section and (2) who has not discontinued delivery of milk to such handler, an advance payment for milk received from such producer during the first 15 days of such month computed at not less than the Class II price for 4 percent milk of the preceding month, without deduction for hauling.

15. Delete § 943.91 and substitute therefor:

§ 943.91 *Producer butterfat differential.* In making payments pursuant to § 943.90 (a) or (c) there shall be added to, or subtracted from the uniform price for each one-tenth of one percent that the average butterfat content of the milk received from the producer is above or below 4.0 percent, an amount determined from the simple average, as computed by the market administrator, of the daily wholesale selling prices per pound (using the mid-point of any price range as one price) of Grade A (92-score) bulk creamery butter at Chicago, as reported by the Department during the month, according to the following table:

Butter price:	*Butterfat differential (cents)*
20.0–29.99 cents	3
30.0–39.99 cents	4
40.0–49.99 cents	5
50.0–59.99 cents	6
60.0–69.99 cents	7
70.0–79.99 cents	8
80.0–89.99 cents	9
90.0–99.99 cents	10
$1.00–$1.10	11

16. Delete § 943.80 (a) and substitute therefore the following:

(a) Divide the total pounds of milk received by a handler(s) from such producer during the months of October through January immediately preceding by the number of days, not to be less than 90, during the period(s) within which such producer made deliveries of milk in such months.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 602c)

Issued at Washington, D. C., this 28th day of July 1953, to be effective on and after the 1st day of August 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-6723; Filed, July 30, 1953; 8:53 a. m.]

PART 957—IRISH POTATOES GROWN IN CERTAIN DESIGNATED COUNTIES IN IDAHO AND MALHEUR COUNTY, OREGON

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget of expenses and rate

of assessment, to be made effective under Marketing Agreement No. 98 and Order No. 57, as amended (7 CFR Part 957) regulating the handling of Irish potatoes grown in certain designated counties in Idaho and Malheur County, Oregon, was published in the FEDERAL REGISTER (18 F R. 3917) This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.) After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the Idaho-Eastern Oregon Potato Committee, established pursuant to said marketing agreement and amended order, the following rules and regulations are hereby approved.

§ 957.206 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the Idaho-Eastern Oregon Potato Committee, established pursuant to Marketing Agreement No. 98 and Order No. 57, as amended, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and amended order, during the fiscal year ending May 31, 1954, will amount to $22,500.00.

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be fifty cents per carload, or fraction thereof, or per truckload of 5,000 pounds or more, of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 98 and Order No. 57, as amended (§§ 957.1 to 957.92)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of July 1953, to become effective 30 days after publication in the FEDERAL REGISTER.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-6695; Filed, July 30, 1953; 8:46 a. m.

[Docket No. AO 175-A 11]

PART 971—MILK IN THE DAYTON-SPRINGFIELD, OHIO, MARKETING AREA

ORDER AMENDING ORDER, AS AMENDED, REGULATING HANDLING

§ 971.0 *Findings and determinations.* The findings and determinations hereinafter set forth are supplementary and in addition to the findings and determinations previously made in connection with the issuance of the aforesaid order and each of the previously issued amendments thereto: and all of said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

(a) *Findings upon the basis of the hearing record.* Pursuant to the provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) and the applicable rules of practice and procedure, as amended, governing the formulation of marketing agreements and marketing orders (7 CFR Part 900) a public hearing was held at Dayton, Ohio, on June 5, 1953, upon a proposed amendment to the tentative marketing agreement and to the order, as amended, regulating the handling of milk in the Dayton-Springfield, Ohio, marketing area. Upon the basis of the evidence introduced at such hearing and the record thereof, it is found that:

(1) The said order, as amended, and as hereby further amended, and all of the terms and conditions of said order, as amended, and as hereby further amended, will tend to effectuate the declared policy of the act;

(2) The parity prices of milk produced for sale in the said marketing area as determined pursuant to section 2 of the act are not reasonable in view of the price of feeds, available supplies of feeds and other economic conditions which affect market supply of and demand for such milk, and the minimum prices specified in the order, as amended, and as hereby further amended, are such prices as will reflect the aforesaid factors, insure a sufficient quantity of pure and wholesome milk, and be in the public interest; and

(3) The said order, as amended, and as hereby further amended, regulates the handling of milk in the same manner as and is applicable only to persons in the respective classes of industrial and commercial activity specified in a marketing agreement upon which a hearing has been held.

(b) *Additional findings.* It is hereby found and determined that good cause exists for making effective at the earliest possible date this order amending the said order, as amended. This action is necessary in the public interest in order to reflect current marketing conditions and to insure the production of an adequate supply of milk. Accordingly, any unnecessary delay in the effective date of this order, as amended, and as hereby further amended, will seriously impair orderly marketing of milk in the Dayton-Springfield, Ohio, marketing area. No extensive preparation will be required of handlers prior to the effective date of this order, and reasonable time under the circumstances has been afforded persons affected to make such preparations. Therefore, it would be impracticable, unnecessary, and contrary to the public interest to delay the effective date of this amendatory order 30 days after its publication in the FEDERAL REGISTER, and good cause exists pursuant to section 4 (c) of the Administrative Procedure Act (5 U. S. C. 1000) for making this order effective at the earliest possible date.

(c) *Determinations.* It is hereby determined that handlers (excluding cooperative associations of producers who are not engaged in processing, distributing or shipping milk covered by this order, amending the order, as amended, which is marketed within the Dayton-Springfield, Ohio, marketing area) of more than 50 percent of the milk which is marketed within the said marketing area, refused or failed to sign the proposed marketing agreement regulating the handling of milk in the said marketing area, and it is hereby further determined that:

(1) The refusal or failure of such handlers to sign said proposed marketing agreement tends to prevent the effectuation of the declared policy of the act;

(2) The issuance of this order amending the order, as amended, is the only practical means, pursuant to the declared policy of the act, of advancing the interests of producers of milk which is produced for sale in the said marketing area, and

(3) The issuance of this order amending the order, as amended, is approved or favored by at least two-thirds of the producers who, during the determined representative period (April 1953) were engaged in the production of milk for sale in the said marketing area.

Order relative to handling. It is therefore ordered, That on and after the effective date hereof, the handling of milk in the Dayton-Springfield, Ohio, marketing area, shall be in conformity to and in compliance with the terms and conditions of the aforesaid order, as amended, and as hereby further amended, and the aforesaid order, as amended, is hereby further amended as follows:

1. Amend § 971.50 (c) (1) and (2) to read as follows:

(1) Multiply by 3.5 the average price of butter computed pursuant to paragraph (b) (1) of this section, and add 20 percent thereof; and

(2) From the simple average, as computed by the market administrator, of the weighted average of carlot prices per pound for nonfat dry milk solids, spray and roller process, respectively, for human consumption, f. o. b. manufacturing plants in the Chicago area, as published for the period from the 26th day of the immediately preceding month through the 25th day of the month for which prices are being computed by the Department of Agriculture, deduct 5.5 cents, and multiply the result by 8.2.

2. Amend § 971.53 (b) to read as follows:

(b) The price per hundredweight of skim milk shall be computed as follows: (1) Calculate the arithmetic average of the carlot prices per pound of roller process nonfat dry milk solids in barrels, for human consumption, at Chicago for the weeks ending within such month as reported by the Department of Agriculture, (2) deduct 5.5 cents therefrom, (3) multiply the result by 8.2, (4) divide the result by 0.965, and (5) subtract therefrom 20 cents for each of the months of March through August.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 28th day of July 1953 to be effective on and after August 1, 1953.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-6722; Filed, July 30, 1953; 8:52 a. m.]

PART 992—IRISH POTATOES GROWN IN WASHINGTON

APPROVAL OF BUDGET OF EXPENSES AND FIXING RATE OF ASSESSMENT

Notice of proposed rule making regarding rules and regulations relative to a proposed budget and rate of assessment, to be made effective under Marketing Agreement No. 113 and Order No. 92 (7 CFR Part 992) regulating the handling of Irish potatoes grown in the State of Washington, was published in the FEDERAL REGISTER (18 F. R. 3768) This regulatory program is effective under the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U. S. C. 601 et seq.). After consideration of all relevant matters presented, including the rules and regulations set forth in the aforesaid notice, which rules and regulations were adopted and submitted for approval by the State of Washington Potato Committee (established pursuant to said marketing agreement and order) the following rules and regulations are hereby approved.

§ 992.205 *Budget of expenses and rate of assessment.* (a) The expenses necessary to be incurred by the State of Washington Potato Committee, established pursuant to Marketing Agreement No. 113 and Order No. 92, to enable such committee to perform its functions pursuant to the provisions of the aforesaid marketing agreement and order, during the fiscal year ending May 31, 1954, will amount to $20,620.00;

(b) The rate of assessment to be paid by each handler who first ships potatoes shall be one-half of one cent ($0.005) per hundredweight of potatoes handled by him as the first handler thereof during said fiscal year; and

(c) The terms used in this section shall have the same meaning as when used in Marketing Agreement No. 113 and Order No. 92 §§ 992.1 to 992.78)

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Done at Washington, D. C., this 27th day of July 1953, to become effective 30 days after publication hereof in the FEDERAL REGISTER.

[SEAL] TRUE D. MORSE,
Acting Secretary of Agriculture.

[F. R. Doc. 53-6694; Filed, July 30, 1953; 8:46 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

ORDER FINDING THAT ESTIMATED SEASONAL AVERAGE PRICE FOR CROP YEAR BEGINNING AUGUST 1, 1953, WILL BE IN EXCESS OF PARITY AND PROVIDING FOR SPECIAL REGULATION OF PRUNES FOR SAID CROP YEAR

This action is being taken pursuant to the provisions of § 993.50 of Marketing Agreement No. 110, as amended, and Marketing Order No. 93, as amended (7 CFR, 1952 Rev., Part 993) regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.) In paragraph (a) of said § 993.50 it is provided that, if the Secretary of Agriculture should find that the seasonal average price for prunes for any crop year will be in excess of the price level contemplated by the provisions of section 2 (1) of the aforementioned act, he shall issue an order in which such finding is set forth, and, in such order, he may provide that, for such crop year, the handling of prunes shall be in accordance with the provisions set forth in paragraphs (b) (c), (d), (e), and (f) of that section.

On the basis of information received from, and the recommendation submitted by, the Prune Administrative Committee, and other available information, it is hereby found and determined that the estimated seasonal average price for prunes for the crop year beginning August 1, 1953, will be in excess of the price level contemplated by the provisions of section 2 (1) of the aforementioned act (i. e., such estimated seasonal average price for prunes will be in excess of parity for that crop year) It is further found and determined that the provisions of paragraphs (b) (c) (d) (e) and (f) of said § 993.50 will tend to effectuate the declared policy of the act during the crop year beginning August 1, 1953. It is, therefore, ordered that said provisions shall apply to all handling of prunes during said crop year.

The regulation of prunes in the manner provided in § 993.50 was unanimously recommended by the Prune Administrative Committee. This regulation will assure the marketing of only those prunes which are of a quality reasonably satisfactory to consumers, will promote the interest of prune producers, and will establish such orderly marketing of prunes as will be in the public interest. The decision (16 F. R. 5797) leading to the inclusion of these provisions in the order contemplated the need for regulation of this kind when it is found that the price for prunes will exceed the parity level.

It is also hereby found and determined that notice of proposed rule making, public participation thereon, and 30 days' notice prior to its effective date (see section 4 of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) would be impracticable, unnecessary, and contrary to the public interest. The effect of this action will be to reduce the restrictions which would otherwise be applicable. The probability that this action would be taken is already well known, in that it was recommended by the Prune Administrative Committee, whose membership is composed of, and which represents, both prune producers and prune handlers. It will require no advance preparation by handlers. In order to effectuate the declared policy of the act, these regulations must apply to all prunes which are received or handled during the crop year which begins August 1, 1953, and, therefore, it is necessary that it be made effective at 12:01 a. m., P. d. s. t., August 1, 1953.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 28th day of July, 1953, to become effective at 12:01 a. m., P. d. s. t., August 1, 1953.

[SEAL] FLOYD F HEDLUND,
Acting Director
Fruit and Vegetable Branch.

[F. R. Doc. 53-6724; Filed, July 30, 1953; 8:53 a. m.]

PART 993—DRIED PRUNES PRODUCED IN CALIFORNIA

ORDER WITH RESPECT TO SUPERSEDING MINIMUM STANDARDS FOR GRADES OF NATURAL CONDITION PRUNES AND PROCESSED PRUNES

Notice was published in the July 8, 1953 issue of the FEDERAL REGISTER (18 F. R. 3970) that consideration was being given to the issuance of superseding minimum standards as to grades of natural condition prunes and processed prunes produced and handled in the State of California. Such superseding minimum standards were proposed after consideration of a recommendation submitted by the Prune Administrative Committee and other available information to the Secretary, in accordance with the applicable provisions of Marketing Agreement No. 110, as amended, and Order No. 93, as amended (7 CFR, 1952 Rev., Part 993) regulating the handling of dried prunes produced in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U. S. C. 601 et seq.). In said notice, opportunity was afforded all interested persons to file written data, views, or arguments with respect thereto. No such written data, views, or arguments were filed, and the time for doing so has expired.

After consideration of all matters pertaining thereto, including the recommendation submitted by the Prune Administrative Committee, it is hereby found and determined, and it is, therefore, ordered that the aforementioned superseding minimum standards as to grades, as set forth in § 993.97 (Exhibit A) of the said marketing agreement and order, be, and they hereby are, amended to read as follows:

§ 993.97 *Exhibit A, minimum standards.*

I. Minimum standards for natural condition prunes:

A. *Defects.* Defects are: (1) Off-color; (2) inferior meat condition; (3) end cracks; (4) fermentation; (5) skin or flesh damage; (6) scab; (7) burned; (8) mold; (9) imbedded dirt; (10) insect infestation; (11) decay.

B. *Explanation of terms.* (1) "Off-color" means a dull color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "End cracks" means callous growth cracks, at the blossom end of prunes, aggregating more than three-eighths of one inch (⅜") but not more than one-half of one inch (½") in length.

(4) "Fermentation" means damage to the flesh by fermentation to the extent that the characteristic appearance or flavor is substantially affected.

(5) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, except end cracks as defined in this section, aggregating more than three-eighths of one inch (⅜") in length;

(b) Splits or skin breaks exposing flesh and affecting materially the normal appearance of the prunes;

(c) Any cracks, splits or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and which materially affect appearance, edibility or keeping quality;

(e) Skin damage caused by rain or overdipping to the extent that the prunes cannot be processed normally without material sloughing of the skin.

(6) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighths of one inch (⅜") in diameter or by unsightly scab of another character exceeding in the aggregate the area of a circle three-fourths of one inch (¾") in diameter.

(7) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.

(8) "Mold" means a characteristic fungus growth and is self-explanatory.

(9) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in, or adhering to, the prune that it cannot be removed in normal processing.

(10) "Insect infestation" means the presence of insects, insect fragments or insect remains.

C. *Maximum tolerances.* Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) The tolerance allowance for decay shall not exceed one percent (1%).

(2) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(3) The combined tolerance allowance for fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed eight percent (8%).

(4) The combined tolerance allowance for end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed ten percent (10%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(5) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed twenty percent (20%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(6) Prunes showing obvious live insect infestation shall be fumigated prior to acceptance.

D. Natural condition prunes must be properly dried and cured in original natural condition, without the addition of water, and free from active infestation, so that they are capable of being received, stored and packed without deterioration or spoilage.

II. Minimum standards for processed prunes:

A. *Defects.* Defects are: (1) Off-color; (2) inferior meat condition; (3) end cracks; (4) fermentation; (5) skin or flesh damage; (6) scab; (7) burned; (8) mold; (9) imbedded dirt; (10) insect infestation; (11) decay.

B. *Explanation of terms.* (1) "Off-color" means a dull color or skin differing noticeably in appearance from that which is characteristic of mature, properly handled fruit of a given variety or type.

(2) "Inferior meat condition" means flesh which is fibrous, woody or otherwise inferior due to immaturity to the extent that the characteristic texture of the meat is substantially affected.

(3) "End cracks" means callous growth cracks, at the blossom end of prunes, aggregating more than three-eighths of one inch (⅜") but not more than one-half of one inch (½") in length.

(4) "Fermentation" means damage to the flesh by fermentation to the extent that the characteristic appearance or flavor is substantially affected.

(5) "Skin or flesh damage" means growth cracks, splits, breaks in skin or flesh of the following descriptions:

(a) Callous growth cracks, except end cracks as defined in this section, aggregating more than three-eighths of one inch (⅜") in length;

(b) Splits or skin breaks exposing flesh and materially affecting the normal appearance of French prunes; or markedly affecting the normal appearance of varieties other than the French variety;

(c) Any cracks, splits or breaks open to the pit;

(d) Healed or unhealed surface or flesh blemishes caused by insect injury and which materially affect appearance, edibility or keeping quality.

(6) "Scab" means tough or thick scab exceeding in the aggregate the area of a circle three-eighths of one inch (⅜") in diameter or by unsightly scab of another character exceeding in the aggregate the area of a circle three-fourths of one inch (¾") in diameter.

(7) "Burned" means injury by sunburn or excessive heat in dehydration to the extent that the characteristic appearance, flavor or edibility of the fruit is noticeably affected.

(8) "Mold" means a characteristic fungus growth and is self-explanatory.

(9) "Imbedded dirt" means the presence of dirt or other extraneous material so imbedded in, or adhering to, the prune that it cannot be readily removed in washing the fruit.

(10) "Insect infestation" means the presence of insects, insect fragments or insect remains.

C. *Maximum tolerances.* Tolerance allowances shall be on a weight basis and shall not exceed the following:

(1) There shall be no tolerance allowance for live insect infestation.

(2) The tolerance allowance for decay shall not exceed one percent (1%).

(3) The combined tolerance allowance for mold, imbedded dirt, insect infestation, and decay shall not exceed five percent (5%).

(4) The combined tolerance allowance for fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed eight percent (8%).

(5) The combined tolerance allowance for end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed ten percent (10%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

(6) The combined tolerance allowance for off-color, inferior meat condition, end cracks, fermentation, skin or flesh damage, scab, burned, mold, imbedded dirt, insect infestation, and decay shall not exceed twenty percent (20%), except that the first eight percent (8%) of end cracks shall be given one-half value and any additional percentage of end cracks shall be given full value.

It is also hereby found and determined that good cause exists for not postponing the effective time of this order for 30 days after publication of it in the FEDERAL REGISTER (see section 4 (c) of the Administrative Procedure Act; 5 U. S. C. 1001 et seq.) As was set forth in the notice of proposed rule making in this connection (18 F R. 3971) it is obvious that this change should be put into effect in time for it to apply to the entire coming crop year for prunes, which begins on August 1, 1953. To insure that this will be the case, it is necessary that this order be effective on and after 12:01 a. m., P d. s. t., August 1, 1953. The probability that this change would be made has been known to prune handlers for a considerable period of time, inasmuch as a proposal for the incorporation of this change in the program regulation was set forth in a notice of an amendment hearing which was published in the FEDERAL REGISTER issue of March 28, 1953 (18 F R. 1760), and it was discussed at the amendment hearing which was held in April 1953. Further, it will require no advance preparation on the part of handlers, in that it will apply exclusively to prunes which are received or handled by them on and after August 1, 1953.

(Sec. 5, 49 Stat. 753, as amended; 7 U. S. C. and Sup. 608c)

Issued at Washington, D. C., this 28th day of July 1953, to become effective 12:01 a. m., P d. s. t., August 1, 1953.

[SEAL] FLOYD F HEDLUND,
Acting Director,
Fruit and Vegetable Branch.

[F. R. Doc. 53-6725; Filed, July 30, 1953; 8:53 a. m.]

TITLE 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 5873]

PART 3—DIGEST OF CEASE AND DESIST ORDERS

A. C. LIEPE PHARMACY, INC., ET AL.

Subpart—*Advertising falsely or misleadingly:* § 3.15 *Business status, advantages, or connections*—Qualifications and abilities; Service; § 3.100 *Individual attention,* § 3.170 *Qualities or properties of product or service;* § 3.205 *Scientific or other relevant facts.* I. In connection with the offering for sale, sale, or distribution of "Liepe Cleansing Oil", "Liepe Bland Oil" "Liepe Dusting Powder Soothing" "Liepe Dusting Powder Protective" "Liepe Special Ointment No. 1", "Liepe Special Ointment No. 2" or "Liepe Special Bandage" or any product or preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, disseminating, etc., any advertisements by means of the United States mails, or in commerce, or by any means to induce, etc., directly or indirectly, the purchase in commerce, etc., of any of said preparations or products, which advertisements represent, directly or by

implication, that the use of any of said products or preparations, either singly or in combination: (a) Constitutes a competent or effective treatment for or will cure varicose ulcers, leg sores, open legs, discharging wounds, inflamed areas around a vein, or any leg trouble, ailment or disorder due to varicose conditions; (b) promotes better circulation, prevents ulcer formation, eliminates discharge, completely relieves all pain and distress, relieves swelling in excess of preventing swelling while the bandage is applied, prevents any infection other than surface infection, aids healing other than by providing an antiseptic protective covering for the affected area, or relieves pain, itching or burning in excess of providing relief while the prescribed preparations are on the affected area, in cases of varicose ulcers, leg sores, open legs, discharging wounds, inflamed areas around a vein, eczema or any leg trouble, ailment or disorder due to a varicose condition; (c) cures eczema or has any beneficial effect upon its underlying causes; and (d) has any beneficial effect in cases of eczema in excess of relieving itching and burning while the prescribed preparations are on the affected area, and, II, in connection with the offer for sale, sale or distribution in commerce, of the aforesaid preparations or products, as above set forth, (1) representing, directly or by implication, that respondents can diagnose or determine a proper treatment in cases of ulcers, leg sores, open legs, discharging wounds, inflamed areas around a vein or eczema on the basis of written information as to their symptoms submitted by purchasers or prospective purchasers; and (2) using the term "Prescription Laboratory" in the heading of letters sent to purchasers or prospective purchasers; or otherwise representing that said preparations are especially prepared to order in each case individually; prohibited.

(Sec. 6, 38 Stat. 722; 15 U. S. C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U. S. C. 45) [Cease and desist order, A. C. Liepe Pharmacy, Inc., et al., Milwaukee, Wis., Docket 5873, June 29, 1953]

In the Matter of A. C. Liepe Pharmacy, Inc., a Corporation, and William F Lambeck, Warren G. Gehrs, and Anne C. Gehrs, Individually and as Officers of Said Corporation

Pursuant to the provisions of the Federal Trade Commission Act, the Federal Trade Commission on April 17, 1951, issued its complaint in this proceeding naming as respondents therein the A. C. Liepe Pharmacy, Inc., a corporation, and William F. Lambeck, Warren G. Gehrs, and Anne C. Gehrs, individually and as officers of said corporation. The complaint was subsequently served on each of the named respondents with the exception of William F. Lambeck who died on February 16, 1951, prior to the issuance of the complaint. After the filing of an answer to the complaint by the surviving respondents, testimony and other evidence in support of and in opposition to the allegations of the complaint were introduced before a hearing examiner of the Commission theretofore duly designated by it and such testimony and other evidence were duly filed in the office of the Commission. Proposed findings as to the facts were filed by counsel for respondents and counsel supporting the complaint. Thereafter, on April 10, 1952, the hearing examiner filed his initial decision which was duly served on the parties.

Within the time permitted by the Commission's rules of practice, counsel for respondents filed with the Commission an appeal from said initial decision. Thereafter, this proceeding regularly came on for hearing by the Commission upon the record herein, including briefs in support of and in opposition to the appeal and oral argument of counsel, and the Commission issued its order granting said appeal in part and denying it in part.

The Commission is also of the opinion that the hearing examiner's decision is deficient in certain other respects including that the form of order therein does not in all ways provide appropriate relief from the practices shown by the record to be illegal. Therefore, the Commission, being now fully advised in the premises, finds that this proceeding is in the interest of the public and makes the following findings as to the facts,[1] conclusion[1] and order to cease and desist, the same to be in lieu of the initial decision of the hearing examiner.

It is ordered, That A. C. Liepe Pharmacy, Inc., a corporation, and its officers, Warren G. Gehrs and Anne C. Gehrs, individually and as officers of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of "Liepe Cleansing Oil," "Liepe Bland Oil," "Liepe Dusting Powder Soothing," "Liepe Dusting Powder Protective," "Liepe Special Ointment No. 1," "Liepe Special Ointment No. 2," or "Liepe Special Bandage" or any product or preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from directly or indirectly:

1. Disseminating or causing to be disseminated by means of the United States mails or by any means in commerce, as "commerce" is defined in the Federal Trade Commission Act, any advertisement which represents, directly or by implication, that the use of any of said products or preparations, either singly or in combination:

(a) Constitutes a competent or effective treatment for or will cure varicose ulcers, leg sores, open legs, discharging wounds, inflamed areas around a vein, or any leg trouble, ailment or disorder due to varicose conditions.

(b) Promotes better circulation, prevents ulcer formation, eliminates discharge, completely relieves all pain and distress, relieves swelling in excess of preventing swelling while the bandage is applied, prevents any infection other than surface infection, aids healing other than by providing an antiseptic protective covering for the affected area, or relieves pain, itching or burning in excess of providing relief while the prescribed preparations are on the affected area, in cases of varicose ulcers, leg sores, open legs, discharging wounds, inflamed areas around a vein, eczema or any leg trouble, ailment or disorder due to a varicose condition.

(c) Cures eczema or has any beneficial effect upon its underlying causes.

(d) Has any beneficial effect in cases of eczema in excess of relieving itching and burning while the prescribed preparations are on the affected area.

2. Disseminating, or causing to be disseminated, any advertisement by any means for the purpose of inducing, or which is likely to induce, directly or indirectly, the purchase in commerce, as "commerce" is defined in the Federal Trade Commission Act, of any said preparation or product, which advertisement contains any of the representations prohibited in paragraph 1 of this order.

It is further ordered, That the respondents A. C. Liepe Pharmacy, Inc., a corporation, and its officers, Warren G. Gehrs and Anne C. Gehrs, individually and as officers of said corporation, their representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, of "Liepe Cleansing Oil," "Liepe Bland Oil," "Liepe Dusting Powder Soothing," "Liepe Dusting Powder Protective," "Liepe Special Ointment No. 1," "Liepe Special Ointment No. 2," or "Liepe Special Bandage" or any product or preparation of substantially similar composition or possessing substantially similar properties, whether sold under the same name or any other name, do forthwith cease and desist from:

1. Representing, directly or by implications, that respondents can diagnose or determine a proper treatment in cases of ulcers, leg sores, open legs, discharging wounds, inflamed areas around a vein or eczema on the basis of written information as to their symptoms submitted by purchasers or prospective purchasers.

2. Using the term "Prescription Laboratory" in the heading of letters sent to purchasers or prospective purchasers; or otherwise representing that said preparations are especially prepared to order in each case individually.

It is further ordered, That the complaint be, and it hereby is, dismissed as to respondent William F. Lambeck.

It is further ordered, That respondents, A. C. Liepe Pharmacy, Inc., Warren G. Gehrs and Anne C. Gehrs, shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which

[1] Filed as part of the original document.

they have complied with the order to cease and desist.

Issued: June 29, 1953.

By the Commission.[2]

[SEAL] D. C. DANIEL, *Secretary.*

[F. R. Doc. 53-6712; Filed, July 30, 1953; 8:50 a. m.]

TITLE 25—INDIANS

Chapter I—Bureau of Indian Affairs, Department of the Interior

PART 73—GRAZING, PINE RIDGE AERIAL GUNNERY RANGE

PERMITS AND FEES

1. Section 73.3 is amended to read as follows:

§ 73.3 *Grazing permits.* Grazing privileges shall be granted through the medium of permits by the Superintendent of the Pine Ridge Indian Agency, Pine Ridge, South Dakota. Range units on which permits are not renewed, pursuant to § 73.5, shall be advertised for competitive bidding for a 30-day period, unless the Superintendent determines that a shorter period of advertisement is warranted, and proposals shall be received by sealed bids. Proposals shall be accompanied by cashier's check, certified check or draft drawn on a solvent bank, or money order, payable to the Treasurer of the United States, for not less than .10 percent of the annual grazing fees due at the rate bid. The Superintendent shall post such advertisements at public places and the award of grazing privileges shall be made to the highest satisfactory bidder but any bidder entitled to preference, in accordance with § 73.4, may exercise such preference and meet the high bid. Such preference may be exercised by filing with the Superintendent a written notice within 10 days after the high bid has been announced. Such notice shall be accompanied by a cashier's check, certified check, or draft drawn on a solvent bank, or money order, payable to the Treasurer of the United States in an additional sum sufficient to meet the terms of the advertisement. Permits may provide for the cutting of hay by the permittee without additional charge, provided that the hay cut is fed on the unit to the livestock grazed under the permit. The Superintendent may prescribe such other rules as may be necessary to govern the cutting of hay so as to obtain proper utilization of the range. No permit shall be issued for farming purposes.

2. Section 73.4 is amended to read as follows:

§ 73.4 *Preference in awarding permits.* In awarding grazing privileges, preference in meeting the high bid shall be given in the following order to:

(a) Former fee title holders, former Indian trust owners, and livestock operators, who owned established ranch headquarters within or adjacent to the Gunnery Range and who were using a portion of the Gunnery Range for grazing purposes at the time of its acquisition by the Department of the Army. This preference shall be given only to the extent of the use of the Gunnery Range by such persons prior to its acquisition by the Department of the Army.

(b) Indian allottees whose former allotments were within the Gunnery Range but whose ranch headquarters were not within the Gunnery Range.

3. Section 73.6 is amended to read as follows:

§ 73.6 *Grazing fees.* The minimum grazing fees charged for a permit renewed pursuant to § 73.5, or the minimum fee established for the issuance of a permit pursuant to § 73.3, shall be on a level with existing rates within the Pine Ridge Indian Reservation, less 20 percent to offset the risk assumed by the permittee in occupying the Gunnery Range, subject to use for military purposes. All grazing fees shall be paid in advance to the Superintendent of the Pine Ridge Indian Agency.

4. Section 73.7 is repealed.

(R. S. 161; 5 U. S. C. 22)

JAMES H. DOUGLAS,
Under Secretary of the Air Force.
ORME LEWIS,
Assistant Secretary of the Interior

JULY 22, 1953.

[F. R. Doc. 53-6691; Filed, July 30, 1953; 8:45 a. m.]

TITLE 26—INTERNAL REVENUE

Chapter I—Internal Revenue Service, Department of the Treasury

Subchapter A—Income and Excess Profits Taxes

[T. D. 6033; Regs. 103, 111]

PART 19—INCOME TAX UNDER THE INTERNAL REVENUE CODE; TAXABLE YEARS ENDING DECEMBER 31, 1941

PART 29—INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1941

TAXATION OF BENEFICIARIES OF CERTAIN TRUSTS AND TREATMENT OF FULL-TIME LIFE INSURANCE SALESMEN AS EMPLOYEES FOR CERTAIN PURPOSES

On November 11, 1952, notice of proposed rule making regarding amendments to conform Regulations 111 (26 CFR Part 29) to section 335 of the Revenue Act of 1951 and Public Law 589 (82d Cong.) approved July 17, 1952, relating to taxation of beneficiaries of certain trusts exempt under section 165 (a) of the Internal Revenue Code, and to section 343 of the Revenue Act of 1951, relating to treatment of full-time life insurance salesmen as employees for certain purposes, was published in the FEDERAL REGISTER (17 F R. 10262) After consideration of all relevant matter presented by interested persons regarding the rules proposed, the amendments to Regulations 111 set forth below are hereby adopted.

PARAGRAPH 1. Section 29.22 (b) (2)-5, as amended by Treasury Decision 6020, approved June 17, 1953, is further amended by adding at the end thereof the following undesignated paragraph.

As to inclusion of full-time life insurance salesmen within the class of persons considered to be employees, see section 3797 (a) (20) as added by section 343 of the Revenue Act of 1951, set forth immediately preceding § 29.3797-1.

PAR. 2. Section 29.23 (p)-1, as amended by Treasury Decision 5666, approved November 2, 1948 is further amended by adding immediately after the second sentence of paragraph (a) thereof the following new sentence: "(As to inclusion of full-time life insurance salesmen within the class of persons considered to be employees, see section 3797 (a) (20) as added by section 343 of the Revenue Act of 1951, set forth immediately preceding § 29.3797-1.)"

PAR. 3. There is inserted immediately preceding § 29.165-1 the following:

SEC. 335. EMPLOYEES' TRUSTS (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 165 (b).* Section 165 (b) (relating to taxability of beneficiary on distributions from an employees' trust) is hereby amended by adding at the end thereof the following new sentence: "Where such total distributions include securities of the employer corporation, there shall be excluded from such excess the net unrealized appreciation attributable to that part of the total distributions which consists of the securities of the employer corporation so distributed. The amount of such net unrealized appreciation and the resulting adjustments to basis of the securities of the employer corporation so distributed shall be determined in accordance with regulations which shall be prescribed by the Secretary. For purposes of this subsection, the term 'securities' means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form, and the term 'securities of the employer corporation' includes securities of a parent or subsidiary corporation (as defined in section 130A (d) (2) and (3)) of the employer corporation."

(b) *Effective date.* The amendment made by this section shall be applicable with respect to distributions made after December 31, 1950.

PUBLIC LAW 589 (EIGHTY-SECOND CONGRESS, SECOND SESSION), APPROVED JULY 17, 1952

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 165 (b) of the Internal Revenue Code (relating to employee stock purchase plans) is hereby amended by adding at the end thereof the following: "In no event shall the amount actually distributed or made available to any distributee include net unrealized appreciation in securities of the employer corporation attributable to the amount contributed by the employee. Such net unrealized appreciation and the resulting adjustments to basis of such securities shall also be determined in accordance with regulations which shall be prescribed by the Secretary."

SEC. 2. The amendment made by this act shall be applicable with respect to taxable years beginning after December 31, 1951.

PAR. 4. Section 29.165-1, as amended by Treasury Decision 5422, approved December 13, 1944, is further amended by adding after the second sentence of paragraph (a) (1) thereof the following new sentence: "As to inclusion of full-time life insurance salesmen within the class of persons considered to be em-

[2] Commissioner Howrey not participating for the reason that oral argument on respondents' appeal from the initial decision was heard prior to his appointment to the Commission.

ployees, see section 3797 (a) (20) as added by section 343 of the Revenue Act of 1951, set forth immediately preceding § 29.3797–1."

PAR. 5. Section 29.165–6, as amended by Treasury Decision 6020, is further amended as follows:

(A) By inserting a headnote to paragraph (a) to read: *"In general"* and by redesignating present paragraphs (b) (c) and (d) as subparagraphs (1) (2) and (3) of paragraph (a)

(B) By inserting immediately after the second sentence of paragraph (a) thereof the following new sentence: "(For rules providing for exclusion from income in the year of distribution of amounts representing unrealized appreciation in the value of securities of the employer corporation, see paragraph (b) of this section.)"

(C) By inserting immediately preceding the last sentence of such section the following: "See, however, paragraph (b) of this section for rules relating to exclusion from such excess of amounts representing net unrealized appreciation in the value of securities of the employer corporation distributed after December 31, 1950."

(D) By adding at the end of such section the following paragraph (b)

(b) *Distributions including securities of the employer corporation*—(1) *In general.* If a trust exempt under section 165 (a) makes a distribution to a distributee, and such distribution includes securities of the employer corporation, there shall be excluded for purposes of computing the amount of such distribution includible in the distributee's income in the year of distribution net unrealized appreciation in such securities to the following extent:

(i) If the distribution is made after December 31, 1950, and constitutes a total distribution to which the rules of paragraph (a) (2) of this section are applicable, the amount to be excluded is the entire net unrealized appreciation attributable to that part of the total distribution which consists of securities of the employer corporation; and

(ii) If the distribution is made in a taxable year of the distributee beginning after December 31, 1951, and is other than a total distribution to which paragraph (a) (2) of this section are applicable, the amount to be excluded is that portion of the net unrealized appreciation in the securities of the employer corporation which is attributable to the amount considered to be contributed by the employee to the purchase of such securities.

The amount of net unrealized appreciation which is excludible under the rules of subdivisions (i) and (ii) of this subparagraph shall not be included in the basis of the securities in the hands of the distributee at the time of distribution for purposes of determining gain or loss on subsequent disposition. In the case of a total distribution the amount of net unrealized appreciation which is not included in the basis of the securities in the hands of the distributee at the time of distribution shall be considered to the extent realized in a subsequent taxable transaction as a gain from the sale or exchange of a capital asset held for more than six months. However, if the net gain realized by the distributee exceeds the amount of the net unrealized appreciation, such excess shall constitute a long-term or short-term capital gain depending upon the holding period of the securities in the hands of the distributee.

For purposes of section 165 (b) and of this section, the term "securities" means only shares of stock and bonds or debentures issued by a corporation with interest coupons or in registered form, and the term "securities of the employer corporation" includes securities of a parent or subsidiary corporation (as defined in section 130A (d) (2) and (3) relating to employee stock options) of the employer corporation.

(2) *Determination of net unrealized appreciation.* The amount of net unrealized appreciation in securities of the employer corporation which are distributed by the trust is to be determined by reference to the cost or other basis to the trust of such securities and by reference to the market value of such securities at the time of distribution. Thus, if a distribution consists in part of securities which have appreciated in value and in part of securities which have depreciated in value, the net unrealized appreciation shall be considered to consist of the net increase in value of all of the securities included in the distribution. For this purpose, two or more distributions made by a trust to a distributee in a single taxable year of the distributee shall be treated as a single distribution.

The determination of the cost or other basis to the trust of a distributed security of the employer corporation, for purposes of determining net unrealized appreciation thereon, shall be made in accordance with whichever of the following rules is applicable:

(i) If a security was, at the time of purchase by, or contribution to, the trust, earmarked for the account of a particular employee so that the cost or other basis of such security to the trust is reflected in the account of such employee, such cost or other basis shall be used.

(ii) If as of the close of each taxable year of the trust (or other specified period of time not in excess of 12 consecutive calendar months) the trust allocates among the accounts of participating employees all securities acquired by the trust during the period (exclusive of securities unallocated under a plan providing for allocation in whole shares only), the cost or other basis to the trust of any securities allocated as of the close of a particular allocation period shall be the average cost or other basis to the trust of all securities of the same type which were purchased or otherwise acquired by the trust during such allocation period. (For purposes of determining the average cost to the trust of securities included in a subsequent allocation, the actual cost to the trust of the securities unallocated as of the close of a prior allocation period shall be deemed to be the average cost or other basis to the trust of securities of the same type allocated as of the close of such prior allocation period.)

(iii) In a case where neither subdivision (i) nor (ii) of this subparagraph is applicable, if the trust fund, or a specified portion thereof, is invested exclusively in one particular type of security of the employer corporation, and if during the period the distributee participated in the plan none of such securities has been sold except for the purpose of paying benefits under the trust or for the purpose of enabling the trustee to obtain funds with which to exercise rights which have accrued to the trust, the cost or other basis to the trust of all securities distributed to such distributee shall be the total amount credited to the account of such distributee (or such portion thereof as was available for investment in such securities) reduced by the amount available for investment but uninvested on the date of distribution. (If at the time of distribution to a particular distributee a portion of the amount credited to his account is forfeited, appropriate adjustment shall be made with respect thereto in determining the cost or other basis to the trust of the securities distributed.)

(iv) In all other cases, there shall be used the average cost or other basis to the trust of all securities of the employer corporation of the type distributed to the distributee which the trust has on hand at the time of the distribution, or which the trust had on hand on a specified inventory date which date does not precede the date of distribution by more than 12 calendar months. If a distribution includes securities of the employer corporation of more than one type, the average cost or other basis to the trust of each type of security distributed shall be determined. The average cost to the trust of securities of the employer corporation on hand on a specified inventory date (or on hand at the time of distribution) shall be computed on the basis of their actual cost, considering the securities most recently purchased to be those on hand, or by means of a moving average calculated by subtracting from the total cost of securities on hand immediately preceding a particular sale or distribution an amount computed by multiplying the number of securities sold or distributed by the average cost of all securities on hand preceding such sale or distribution. These methods of computing average cost may be illustrated by the following examples:

Example (1). A, a distributee who makes his income tax returns on the basis of a calendar year, receives on August 1, 1952, in a total distribution, to which the next to the last paragraph of (a) of this section is applicable, 10 shares of class D stock of the employer corporation. On July 1, 1952 (the specified inventory date of the trust) the trust had on hand 80 shares of class D stock. The average cost of the 10 shares distributed, on the basis of the actual cost method, is $100 computed as follows:

Shares	Purchase date	Cost per share	Total cost
20	June 4, 1932	$101	$2,020
40	Jan. 10, 1951	102	4,080
20	Oct. 20, 1950	95	1,900
80			8,000

Example (2). B, a distributee who makes his income tax returns on the basis of a calendar year, receives on October 30, 1952, in a total distribution, to which the next to the last paragraph of (a) of this section is applicable, 20 shares of class E stock of the employer corporation. The specified inventory date of the trust is the last day of each calendar year. The trust had on hand on December 31, 1950, 1,000 shares of class E stock of the employer corporation. During the calendar year 1951 the trust distributed to four distributees a total of 100 shares of such stock and acquired, through a number of purchases, a total of 120 shares. The average cost of the 20 shares distributed to B, on the basis of the moving average method, is $52 computed as follows:

	Shares	Total cost	Average cost
On hand Dec. 31, 1950	1,000	$50,000	$50
Distributed during 1951 at average cost of $50	100	5,000	
	900	45,000	
Purchased during 1951	120	8,040	
On hand Dec. 31, 1951	1,020	53,040	52

(3) *Unrealized appreciation attributable to employee contributions.* In any case in which it is necessary to determine the amount of net unrealized appreciation in securities of the employer corporation which is attributable to contributions made by an employee:

(i) The cost or other basis of the securities to the trust and the amount of net unrealized appreciation shall first be determined in accordance with the rules in subparagraph (2) of this paragraph;

(ii) The amount contributed by the employee to the purchase of the securities shall be solely the portion of his actual contributions to the trust properly allocable to such securities, and shall not include any part of the increment in the trust fund expended in the purchase of the securities;

(iii) The amount of net unrealized appreciation in the securities distributed which is attributable to the contributions of the employee shall be that proportion of the net unrealized appreciation determined under the rules of subparagraph (2) of this paragraph which the contributions of the employee properly allocable to such securities bear to the cost or other basis to the trust of the securities;

(iv) If a distribution consists solely of securities of the employer corporation, the contributions of the employee expended in the purchase of such securities shall be allocated to the securities distributed in a manner consistent with the principles set forth in subparagraph (2) (i) (ii) (iii) or (iv) of this paragraph, whichever is applicable, that is, the amount of the employee's contribution which can be identified as having been expended in the purchase of a particular security shall be allocated to such security, and the amount of such contribution which cannot be so identified shall be allocated ratably among the securities distributed. If a distribution consists in part of securities of the employer corporation and in part of cash or other property, appropriate allocation of a portion of the employee's contribution to such cash or other property shall be made unless such allocation is inconsistent with the terms of the plan or trust.

Example. A trust distributes ten shares of stock issued by the employer corporation trust of $100, consisting of employee contributions each of which has an average cost to the trust of $100, consisting of employee contributions in the amount of $60 and employer contributions in the amount of $40, and on the date of distribution has a fair market value of $180. The portion of the net unrealized appreciation attributable to the contributions of the employee with respect to each of the shares of stock is $48 computed as follows:

(1) Value of one share of stock on distribution date	$180
(2) Employee contributions	$60
(3) Employer contributions	40
(4) Total contributions	100
(5) Net unrealized appreciation	80
(6) Portion of net unrealized appreciation attributable to employee contributions, 60/100 (amount of employee contributions (item 2) over total contributions (item 4)) of $80 (item 5)	48

For the purpose of determining gain or loss to the distributee in the year or years in which any share of stock referred to in the preceding example is sold or otherwise disposed of in a taxable transaction, the basis of each such share in the hands of the distributee at the time of the distribution by the trust will be $132 computed as follows:

(a) Employee contributions	$60
(b) Employer contributions (taxable as ordinary income in the year the securities were distributed	40
(c) Portion of net unrealized appreciation attributable to employer contributions (item (5) minus item (6)) (taxable as ordinary income in the year the securities were distributed)	32
(d) Basis of stock	132

(4) *Change in exempt status of trust.* For principles applicable in making appropriate adjustments if the trust was not exempt for one or more years prior to the year of distribution, see paragraph (a) of this section.

PAR. 6. There is inserted immediately preceding § 29.3797–1 the following:

SEC. 343. DEFINITION OF EMPLOYEE (REVENUE ACT OF 1951, APPROVED OCTOBER 20, 1951).

(a) *Amendment of section 3797 (a).* Section 3797 (a) is amended by adding at the end thereof the following new paragraph:

(20) *Employee.* For the purpose of applying the provisions of chapter 1 with respect to contributions to or under a stock bonus, pension, profit-sharing, or annuity plan, and with respect to distributions under such a plan or by a trust forming part of such a plan, the term "employee" shall include a full-time life insurance salesman who is considered an employee for the purpose of subchapter A of chapter 9, or, in the case of services performed before January 1, 1951, who would be considered an employee if his services were performed during 1951.

(b) *Effective date.* The amendment made by this section shall be applicable with respect to taxable years beginning after December 31, 1938.

The amendments made to Regulations 111 (26 CFR Part 29) by paragraphs 1, 2, 4 and 6 are hereby made applicable to taxable years beginning after December 31, 1938, and before January 1, 1942, such years being covered by Regulations 103 (26 CFR Part 19)

(53 Stat. 32, 467; 26 U. S. C. 62, 3791)

[SEAL] JUSTIN F. WINKLE,
Acting Commissioner of Internal Revenue.

Approved: July 27, 1953.

M. B. FOLSOM,
Acting Secretary of the Treasury.

[F. R. Doc. 53-6715; Filed, July 30, 1953; 8:51 a. m.]

TITLE 32A—NATIONAL DEFENSE, APPENDIX

Chapter XXI—Office of Rent Stabilization, Economic Stabilization Agency

[Rent Regulation 1, Amdt. 151 to Schedule A]

[Rent Regulation 2, Amdt. 149 to Schedule A]

RR 1—HOUSING

RR 2—ROOMS IN ROOMING HOUSES AND OTHER ESTABLISHMENTS

SCHEDULE A—DEFENSE-RENTAL AREAS

ILLINOIS

Effective July 31, 1953, Rent Regulation 1 and Rent Regulation 2 are amended so that Item 88e of Schedules A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 28th day of July 1953.

GLENWOOD J. SHERRARD,
Director of Rent Stabilization.

State and name of defense-rental area	Class	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
Illinois				
(88e) Lake County	B	LAKE COUNTY, except the cities of Highland Park, Highwood, Lake Forest, and Zion, the villages of Deerfield, Grayslake, Lake Bluff, Libertyville, and that portion of the village of Barrington located therein.	Mar. 1, 1942	July 1, 1942
	C	do	Aug. 1, 1952	Jan. 6, 1953
	A	In LAKE COUNTY, the village of Grayslake		

These amendments decontrol the following based on a resolution submitted under section 204 (j) (3) of the act:

The village of Deerfield in Lake County, Illinois, a portion of the Lake County Defense-Rental Area.

[F. R. Doc. 53-6696; Filed, July 30, 1953; 8:46 a. m.]

[Rent Regulation 3, Amdt. 141 to Schedule A]

[Rent Regulation 4, Amdt. 85 to Schedule A]

RR 3—HOTELS

RR 4—MOTOR COURTS

SCHEDULE A—DEFENSE-RENTAL AREAS

ILLINOIS

Effective July 31, 1953, Rent Regulation 3 and Rent Regulation 4 are amended so that Item 88e of Schedules A reads as set forth below.

(Sec. 204, 61 Stat. 197, as amended; 50 U. S. C. App. Sup. 1894)

Issued this 28th day of July 1953.

GLENWOOD J. SHERRARD,
Director of Rent Stabilization.

Name of defense-rental area	State	County or counties in defense-rental area under regulation	Maximum rent date	Effective date of regulation
(88e) Lake County	Illinois	LAKE COUNTY, except the cities of Highland Park, Highwood, Lake Forest, and Zion, the villages of Deerfield, Lake Bluff, and Libertyville, and that portion of the village of Barrington located therein.	Aug. 1, 1952	Jan. 6, 1953

These amendments decontrol the following based on a resolution submitted under section 204 (j) (3) of the act:

The village of Deerfield in Lake County, Illinois, a portion of the Lake County Defense-Rental Area.

[F. R. Doc. 53-6697; Filed, July 30, 1953; 8:47 a. m.]

TITLE 39—POSTAL SERVICE

Chapter I—Post Office Department

PART 34—CLASSIFICATION AND RATES OF POSTAGE

PART 37—FREE MATTER IN THE MAILS

PART 108—TREATMENT OF MAIL MATTER IN THE RAILWAY MAIL SERVICE

MISCELLANEOUS AMENDMENTS

a. In § 34.29 *Application for entry as second-class matter* amend paragraph (g) to read as follows:

(g) *Delivery by publishers to other post offices or elsewhere*—(1) *Application.* Application to deliver copies of a second-class publication at the publishers' expense and risk to other post offices or elsewhere shall be filed by the publishers with the postmaster at the office of original second-class entry. The postmaster shall consider the application on the basis of the facts and approve or disapprove it on his own responsibility. If the application is approved, the postmaster shall notify the other post offices concerned and the appropriate general superintendent of the Postal Transportation Service. (See § 34.47 (b).)

(2) *Contents of notification.* When postmasters approve applications from publishers to deliver copies to other post offices and elsewhere, the notifications to the postmasters and to the appropriate general superintendent of the Postal Transportation Service shall state briefly that arrangements have been made for the payment of postage by the publishers and that the copies which are delivered by the publishers should be accepted. The notification shall include a list showing how the sacks or outside bundles are to be labeled together with the approximate number of copies.

NOTE: See § 108.4 of this chapter as to delivery by publishers directly to postal transportation clerks and baggagemen.

b. In § 34.45 *Collection of postage on second-class matter* paragraphs (c), (d), (e) and (f) are rescinded and the following paragraphs inserted in lieu thereof:

(c) *Procedure for determining bulk weight of one issue.* When postage is to be computed on the bulk weight of one issue, the postmaster shall obtain such weight by multiplying the total number of copies of the issue mailed by the average weight of one copy. The number of copies of a single issue mailed shall be obtained from the statement on Form 3542 required by § 34.46 (b). The average weight of one copy shall also be obtained from the statement on Form 3542 and shall be determined by the publisher as prescribed in paragraph (d) of this section.

(d) *How to determine average weight per copy of one issue.* The average weight per copy must include the wrapping and binding materials and shall be obtained by the publisher as follows:

(1) Count a reasonable number of copies selected in such a manner for test purposes that when wrapped and bundled they will bear a proper ratio to the total number of copies to be mailed individually wrapped and wrapped in bundles.

(2) Weigh in bulk the copies which have been counted, after they are wrapped and bundled for mailing.

(3) Divide the bulk weight of the test copies by the number of test copies to obtain the average weight per copy in pounds. Record fractions of pounds as decimals with six digits to the right of the decimal point.

(e) *Procedure for determining bulk weight of all issues mailed during a calendar month.* When publications are regularly printed on sheets of uniform weight, postmasters are not required to compute the postage on the bulk weight of each issue. Postage on such publications may be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month. The postmaster shall obtain the total bulk weight by multiplying the average number of copies mailed by the combined weight of one copy from each issue. The average number of copies of each issue mailed during the month shall be obtained from the statement on Form 3542 required by § 34.46 (b) and shall be determined by the publisher in the manner prescribed by § 34.46 (b) The combined weight of one copy from each issue shall also be obtained from the statement on Form 3542 and shall be determined by the publisher in the manner prescribed by paragraph (f) of this section.

(f) *How to determine combined weight of one copy from each issue mailed during a calendar month.* The combined weight of one copy from each issue mailed during a calendar month must include the wrapping and binding materials and shall be obtained by the publisher as follows:

(1) Determine by the method prescribed in paragraph (d) of this section the average weight of one copy of any one issue selected by the postmaster for testing and verifying during the month.

(2) Divide the average weight of one copy by the number of sheets in the copy to determine the weight of one sheet in pounds. Record fractions of pounds as decimals with six digits to the right of the decimal point.

(3) Select one copy of each of the issues mailed during the month and count the sheets in all of the selected copies to determine the total number of sheets in the selected copies.

(4) Multiply the total number of sheets in the selected copies by the weight of one sheet.

(g) *Verification by postmasters of weights and number of copies.* The average weight per copy obtained by the publisher in the manner prescribed by paragraph (d) of this section for use either in computing postage on the bulk weight of a single issue, or in determining the weight of one sheet as provided for by paragraph (f) of this section, shall be verified by the postmaster by weighing, or by supervising the weighing of, a representative number of copies of the issue. If the average weight per copy is used for determining the weight of one sheet, the postmaster shall also verify the computation by which the publisher determines the weight of one sheet. At the end of each calendar month, when postage is computed on the total bulk weight of all issues mailed during the month, the postmaster shall verify the combined weight of one copy from each issue by counting the sheets in the copies filed under the provisions of § 34.46 (c) and multiplying the total by the previously verified weight of one sheet furnished by the publisher on Form 3542. If there is reason at any time to doubt the accuracy of the number of copies reported on Form 3542, sufficient weighings shall be made to resolve the doubt.

(h) *Prepayment of postage at time of mailing or by advance deposit.* The postage on all second-class matter shall be collected in money before the matter is dispatched. Postmasters may receive from publishers deposits of money sufficient to pay for as many mailings as desired. Receipt Form 3544 shall be issued for the deposits.

(i) *Receipt Form 3539.* The postmaster shall issue to the publisher receipts on Form 3539 for the postage charged at the second-class rates and for mailings accepted free of postage within the county of publication. When postage has been computed on the bulk weight of one issue as provided for by paragraph (c) of this section, the mailings and postage shall be entered in Form 3543. If the publisher requests a receipt, it shall be issued immediately. If a receipt is not requested for each issue, the postmaster shall, at the end of each calendar month, total the mailings and postage for the month on the next line on Form 3543 and issue only one receipt on Form 3539 using these totals. When postage is computed at the end of each calendar month on the total bulk weight of all issues mailed during a calendar month as provided for by paragraph (e) of this section, only the total mailings and postage for the month computed from Form 3542 shall be entered in Forms 3543 and 3539.

(j) *How to show dates of issue and mailing.* When a number of consecutive issues are covered by one Form 3539 or Form 3542, or by one entry in Form 3543, the dates of issue and the dates of mailing shall be indicated by entering the first and last dates in the appropriate spaces and columns.

(k) *May not be registered, insured, or sent collect on delivery.* Copies of publications having postage paid thereon at the second-class pound or minimum rates shall not be accepted as registered, insured, or collect-on-delivery mail.

c. In § 34.46 *Filing of copy of each issue of second-class publication mailed* make the following changes:

1. Amend the caption of the section to read: *"Statement and copy filed with second-class mailings"*

2. Amend paragraph (b) to read as follows:

(b) *Statement showing number of copies mailed.* When postage is to be computed on the bulk weight of one issue as provided for by § 34.45 (c) the publisher shall file with the first mailing of each issue, as required by paragraph (a) of this section, a statement on Form 3542 showing the number of copies included in each zone or other separation necessary for computing the postage, and the average weight per copy as determined in the manner prescribed by § 34.45 (d). When postage is to be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month as provided for by § 34.45 (e), the statement shall be filed with the first mailing of the last issue mailed each month and shall show the average number of copies of each issue included in each separation, the weight of one sheet, and the combined weight of one copy from each issue as determined in the manner prescribed by § 34.45 (f) The publisher shall determine the average number of copies by dividing the total number of copies mailed during the month by the total number of issues mailed. The dates of issue and the dates of mailing shall be indicated by entering in the spaces provided on Form 3542 only the first and last dates.

3. Redesignate present paragraph (c) as paragraph (f) and present paragraph (d) as paragraph (g) and insert new paragraphs (c) (d) and (e) to read as follows:

(c) *Copy marked to indicate advertising and nonadvertising.* The publisher shall mark the copy filed in compliance with paragraph (a) of this section to show the portion which is advertising and the portion which is not advertising. Each advertisement shall be marked "Adv." and each article which is not advertising shall be marked "Not Adv." except that an entire page containing advertising only may be marked once "Adv." and an entire page containing only nonadvertising may be marked once "Not Adv."

(d) *Endorsements on marked copy and Form 3542.* The total advertising and nonadvertising portions shall be determined by column inches, square inches, pages, or by any other recognized units of measure. The publisher shall show by endorsement on the first page of the copy the total units of the advertising space and the total units of nonadvertising space and the percentage of each. When postage is to be computed on the bulk weight of one issue as provided for by § 34.45 (c) the percentage of advertising endorsed on the marked copy shall be entered on Form 3542. When postage is to be computed at the end of each calendar month on the total bulk weight of all issues mailed during the month as provided for by § 34.45 (e), the percentage of advertising to be entered on Form 3542 shall be obtained as follows:

(1) Keep a record of the number of units of advertising space and the number of units of nonadvertising space in each issue.

(2) Add the advertising units in each issue to determine the total advertising units in all of the issues.

(3) Add the nonadvertising units in each issue to determine the total nonadvertising units in all of the issues.

(4) Add the advertising and nonadvertising units to determine the total units in all of the issues.

(5) Divide the total advertising units by the total units. When the advertising exceeds 5 percent of the total space, all of the advertising must be used in computing the percent of the advertising portion, none of the advertising being exempt from the zone rates.

(e) *Payment of advertising rates on reading portion.* A publisher may if he so desires pay postage at the advertising zone rates on both the advertising and nonadvertising portions instead of marking a copy of each issue to show the advertising and nonadvertising portions. When the advertising exceeds 75 percent, the copies filed in compliance with paragraph (c) of this section must have endorsed on the first page by the publisher ber of units of nonadvertising space in the words "Advertising over 75%" When the advertising does not exceed 75 percent, the copies must have endorsed on the first page by the publisher the words "Advertising not over 75%" The entire weight must be entered on receipt Form 3539 in the column provided for the advertising portion. The words "Over 75%" or "Not over 75%," according to whether the copies do or do not contain over 75 percent advertising, must be entered in the space provided for the advertising percentage on Form 3539 and Form 3542. The word "Waived" must be written in the space provided for the weight of the reading portion on receipt Form 3539.

d. In § 34.47 *Mailing requirements for second-class matter* make the following changes:

1. Amend paragraph (b) to read as follows:

(b) *Place of mailing.* Second-class publications shall be brought for mailing to the post office, or such other place as may be designated by the postmaster, except that when the publisher delivers the copies at his own expense and risk to other post offices or elsewhere (see § 34.29 (g) and § 108.4 of this chapter) the copies need not be presented for mailing if deposits to cover the postage are maintained as provided for by § 34.45 (h)

NOTE: See § 42.6 (c) of this chapter as to prohibited places of mailing.

2. Rescind paragraphs (d), (e), and (f)

3. Redesignate present paragraph (g) as paragraph (d) and amend to read as follows:

(d) *Copies of previous and current issues combined.* When a reasonable number of copies of previous issues are included in a mailing of a current issue, they may be accepted and charged with postage on the basis of the percentages of advertisements and matter other than advertisements contained in the current issue, the issue forming the bulk of the mailing presented being regarded as the current issue.

4. Redesignate present paragraphs (h) and (i) as paragraphs (e) and (f)

e. Section 34.49 *Free-in-county matter to be mailed separately* is rescinded.

f. In § 34.64 *Publications issued regularly and circulated free or mainly free* make the following changes:

1. Amend paragraph (f) to read as follows:

(f) *Manner of weighing mailings and collecting postage thereon.* The weight of mailings made under this section shall be obtained in the manner prescribed by §§ 34.45 (c) or (e) and 34.46 (b) for obtaining the weight of mailings of second-class publications. The postage shall be collected in the manner prescribed by § 34.45 (h) and (i), for collecting postage on mailings of second-class publications.

2. Rescind paragraph (g)

(R. S. 161, 396, secs. 5, 6, 18 Stat. 232, 233, as amended, secs. 304, 309, 42 Stat. 24, 25, 47 Stat. 647, as amended, 62 Stat. 1260; 5 U. S. C. 22, 369; 39 U. S. C. 226a, 282, 283, 285, 291b)

g. In § 37.23 *Periodicals for the blind without subscription charge* amend paragraph (d) to read as follows:

(d) *Manner of weighing mailings and issuing receipts therefor.* The weight of mailings made under this section shall be obtained in the manner prescribed by §§ 34.45 (c) or (e) and 34.46 (b) of this chapter for obtaining the weight of mailings of second-class publications. The postmaster shall issue receipts for the mailings on Form 3539 as prescribed by § 34.45 (i) of this chapter. The receipts shall show the weight of the copies mailed, and shall be endorsed "Free matter for blind—37.23, of this chapter"

(R. S. 161, 396, 33 Stat. 313, as amended, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; 39 U. S. C. 331)

h. In § 108.4 *Receipt of second-class matter by railway postal clerks* amend paragraphs (b) and (f) to read as follows:

(b) *When authorized by general superintendent.* Postal transportation clerks may receive second-class publications directly from publishers and news agents when authorized by their general superintendent.

* * * * *

(f) *Baggagemen must be authorized by general superintendent.* Baggagemen shall not receive second-class publications directly from publishers and news agents unless specifically authorized to do so by the appropriate general superintendent of the Postal Transportation Service.

NOTE: See § 34.29 (g) of this chapter as to delivery by publishers directly to other post offices or elsewhere.

i. Section 108.5 *When second-class matter received direct for publishers* is rescinded.

(R. S. 161, 396, 3889, secs. 304, 309, 42 Stat. 24, 25; 5 U. S. C. 22, 369; 39 U. S. C. 639)

[SEAL] ROSS RIZLEY, *Solicitor*

[F. R. Doc. 53-6693; Filed, July 30, 1953; 8:46 a. m.]

TITLE 49—TRANSPORTATION

Chapter I—Interstate Commerce Commission

Subchapter A—General Rules and Regulations

[2d Rev. S. O. 856, Amdt. 8]

PART 95—CAR SERVICE

SATURDAYS TO BE INCLUDED IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of July A. D. 1953.

Upon further consideration of Second Revised Service Order No. 856 (16 F. R. 3929, 10560; 17 F. R. 896, 3458, 4949, 10737; 18 F. R. 2084, 3146, 3567, 3802) and good cause appearing therefor: It is ordered, that:

Section 95.856 *Saturdays to be included in computing demurrage on all freight cars* corrected Amendment No. 7 of Service Order No. 856, be, and it is hereby vacated and set aside.

It is further ordered, that this amendment shall become effective at 7:00 a. m., July 31, 1953, and a copy be served upon the State railroad regulatory body of each State, and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-6708; Filed, July 30, 1953; 8:49 a. m.]

[2d Rev. S. O. 856-C]

PART 95—CAR SERVICE

SATURDAYS TO BE INCLUDED IN COMPUTING DEMURRAGE ON ALL FREIGHT CARS

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of July A. D. 1953.

Upon further consideration of Second Revised Service Order No. 856 (16 F. R. 3929, 10560; 17 F. R. 896, 3458, 4949, 10737; 18 F. R. 2084, 3146, 3567, 3802, 3969) and good cause appearing therefor: It is ordered, that:

Section 95.856 *Saturdays to be included in computing demurrage on all freight cars* of Second Revised Service Order No. 856 be, and it is hereby suspended until 11:59 p. m., August 31, 1953.

It is further ordered, that this order shall become effective at 7:00 a. m., August 1, 1953; that a copy of this order and direction be served upon each State railroad regulatory body and upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-6709; Filed, July 30, 1953; 8:49 a. m.]

[Rev. S. O. 866, Amdt. 9]

PART 95—CAR SERVICE

RAILROAD OPERATING REGULATIONS FOR FREIGHT CAR MOVEMENT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of July A. D. 1953.

Upon further consideration of the provisions of Revised Service Order No. 866 (15 F. R. 6198, 6256, 6573; 16 F. R. 2894, 13102; 17 F. R. 2765, 3458, 4949; 18 F. R. 1858, 2084, 3172, 3733) and good cause appearing therefor: It is ordered, that:

Section 95.866 *Railroad operating regulations for freight car movement* of Revised Service Order No. 866 be, and it is hereby, amended by substituting the following paragraph (b) (3) hereof for paragraph (b) (3) thereof:

(3) When computing the periods of time provided in this section exclude Saturdays, Sundays and such holidays as are listed in Item No. 25, Agent L. C. Schuldt's Demurrage Tariff I. C. C. 4550 or reissues thereof, only when they occur within the said periods of time, but not after.

It is further ordered, that this amendment shall become effective at 7:00 a. m., August 1, 1953; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the railroads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-6710; Filed, July 30, 1953; 8:49 a. m.]

[2d Rev. S. O. 872, Amdt. 2]

PART 95—CAR SERVICE

MOVEMENT OF GRAIN TO TERMINAL ELEVATORS BY PERMIT

At a session of the Interstate Commerce Commission, Division 3, held at its office in Washington, D. C., on the 27th day of July A. D. 1953.

Upon further consideration of the provisions of Second Revised Service Order No. 872 (17 F. R. 10738; 18 F. R. 1858) and good cause appearing therefor: It is ordered, that:

Section 95.872 Second Revised Service Order No. 872, *Movement of grain to terminal elevators by permit* be, and it is hereby, amended by substituting the following paragraph (e) hereof for paragraph (e) thereof:

(e) *Expiration date.* This section shall expire at 11:59 p. m., November 30, 1953, unless otherwise modified, changed, suspended, or annulled by order of this Commission.

It is further ordered, that this amendment shall become effective at 11:59 p. m., July 31, 1953; that a copy of this order and direction be served upon the Association of American Railroads, Car Service Division, as agent of the rail-

roads subscribing to the car service and per diem agreement under the terms of that agreement; and that notice of this order be given to the general public by depositing a copy in the office of the Secretary of the Commission at Washington, D. C., and by filing it with the Director, Division of the Federal Register.

(Sec. 12, 24 Stat. 383, as amended; 49 U. S. C. 12. Interprets or applies sec. 1, 24 Stat. 379, as amended; 49 U. S. C. 1)

By the Commission, Division 3.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-6711; Filed, July 30, 1953; 8:49 a. m.]

Subchapter B—Carriers by Motor Vehicles

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

EXEMPTIONS

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 20th day of July A. D. 1953.

Upon consideration of the record in the above-entitled proceeding, and of petition of Paul G. Apger, Francis S. Blackwood, W. H. Kilbourne, Charles W Wolf, George Tomay and A. C. E. Transportation Company, Inc., filed April 24, 1953, for modification of, or relief from, § 207.3 (a) of the lease and interchange rules;

It appearing, that pursuant to a consideration of such petition, together with facts established as a result of continuing study of the above-entitled proceeding, modification of § 207.3 (a) is warranted; and good cause appearing therefor:

It is ordered, That § 207.3 (a) of the said rules and regulations be amended as indicated:

In § 207.3 modify the present paragraph (a) so that it will read as follows:

(a) To equipment owned or held under a lease of 30 days or more by an authorized carrier and regularly used by it in the service authorized, and leased by it to another authorized carrier for transportation in the direction of a point which lessor is authorized to serve.

It is further ordered, That this order shall become effective on September 1, 1953:

It is further ordered, That the said petition to the extent it seeks other or different relief than that granted herein, be, and it is hereby, denied.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(49 Stat. 546, as amended; 49 U. S. C. 304)

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-6707; Filed, July 30, 1953; 8:48 a. m.]

[Ex Parte No. MC-43]

PART 207—LEASE AND INTERCHANGE OF VEHICLES

POSTPONEMENT OF EFFECTIVE DATE

At a general session of the Interstate Commerce Commission, held at its office in Washington, D. C., on the 20th day of July A. D. 1953.

Upon further consideration of the record in the above-entitled proceedings, and of petition of National Automobile Transporters Association, dated May 29, 1953, for partial exemption of automobile haulers from lease and interchange regulations, and;

It appearing, that it is desirable in the public interest to defer the effectiveness of certain of the rules and regulations prescribed in this proceeding by order of May 8, 1951, as subsequently modified, to become effective September 1, 1953, insofar as §§ 207.3 (a) 207.4 (a) (1) (3), (4) (i) (5) and 207.5 (c) may apply to the lease and interchange of equipment by authorized carriers of passenger automobiles, commercial trucks, buses, and related motor vehicle traffic, pending further study of the effect of such rules and regulations upon the operations of such carriers; and good cause appearing therefor:

It is ordered, That the effective date of the order, as modified, entered in this proceeding, insofar as it relates to §§ 207.3 (a) 207.4 (a) (1), (3) (4) (i), (5) and 207.5 (c) and only insofar as those sections are applicable to carriers transporting passenger automobiles, commercial trucks, buses, and related motor vehicle traffic be, and it is hereby, further postponed from September 1, 1953, to July 1, 1954.

Notice of this order shall be given to the general public by depositing a copy thereof in the office of the Secretary of the Commission at Washington, D. C., and by filing a copy with the Director, Division of the Federal Register.

(49 Stat. 546, as amended, 49 U. S. C. 304)

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-6706; Filed, July 30, 1953; 8:48 a. m.]

NOTICES

DEPARTMENT OF THE TREASURY

Foreign Assets Control

IMPORTATION OF GINGER, SHARK FINS, AND WALNUTS DIRECTLY FROM JAPAN

AVAILABLE CERTIFICATIONS

Notice is hereby given that certificates of origin issued by the Ministry of International Trade and Industry of the Government of Japan under procedures agreed upon between that government and the Foreign Assets Control are now available with respect to the importation into the United States directly, or on a through bill of lading, from Japan of the following additional commodities:

Ginger.
Shark fins.
Walnuts.

[SEAL] ELTING ARNOLD, *Acting Director, Foreign Assets Control.*

[F. R. Doc. 53-6714; Filed, July 30, 1953; 8:50 a. m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

BUREAU OF ENTOMOLOGY AND PLANT QUARANTINE

DELEGATION OF AUTHORITY RELATING TO GOLDEN NEMATODE SUPPRESSIVE PROGRAM

Pursuant to the provisions of the Golden Nematode Act (7 U. S. C. 150–150e) authority is hereby delegated with respect to the Golden Nematode Suppressive Program (7 CFR 303.1 et seq., as amended) as follows:

(a *Agency designated to act for Federal Government.* The Bureau of Entomology and Plant Quarantine of this Department is hereby authorized to carry out, on behalf of the Federal Government, the cooperative program to suppress, control, and prevent the spread of the golden nematode.

(b) *Agent of Secretary of Agriculture to determine eligibility for payment.* The Federal official in charge of the Golden Nematode Project, working under the direction of the Chief of the Bureau of Entomology and Plant Quarantine, is hereby designated as the authorized agent of the Secretary of Agriculture in determining eligibity for compensation under the regulations governing the Golden Nematode Suppressive Program (7 CFR 303.1 et seq., as amended) and approving the amount of compensation to be provided by the United States Department of Agriculture under such regulations to any owner-operator who refrains from planting potatoes.

This delegation shall be effective immediately. All action heretofore taken which would have been authorized by this delegation if it had been in effect at the time of such action is hereby ratified.

Done at Washington, D. C., this 28th day of July 1953.

[SEAL] TRUE D. MORSE, *Acting Secretary of Agriculture.*

[F. R. Doc. 53-6721; Filed, July 30, 1953; 8:52 a. m.]

DEPARTMENT OF COMMERCE

Civil Aeronautics Administration

[Amdt. 25]

ORGANIZATION AND FUNCTIONS

MISCELLANEOUS AMENDMENTS

In accordance with the public information requirements of the Administrative Procedure Act, the description of the Organization and Functions of the Civil Aeronautics Administration is hereby amended. The organization and functions of the Office of Airports and the Regional Airports Division are redescribed in items 1 and 9; the Administrative Staff Division of the Office of Federal Airways is renamed the Executive Staff Division in item 2; the Establishment Engineering Division and the Maintenance Engineering Division of the Office of Federal Airways are consolidated into the Airways Engineering Division in item 2; the Regional Planning and Evaluation Division is abolished and its functions reassigned in items 3, 4 and 5; responsibility for the collection of data regarding specific airport facilities is assigned to the Regional Airways Operations, Facilities, and Aviation Safety Divisions in items 6, 7, and 10; the Facilities Engineering Branch and the Facilities Construction Branch of the Regional Facilities Division are consolidated into the Facilities Establishment Branch in item 8; the performance of aviation medical activities in Regions 1–4 is abolished in item 10 and the continued performance of aviation medical activities in Regions 5 and 6 is provided in item 4; the Plans and Performance Standards Division of the International Region is abolished in item 11, and the performance of aviation medical research at the Aeronautical Center is discontinued in item 12.

1. Section 31, published on April 5, 1951, in 16 F. R. 2975, is amended to read:

SEC. 31. *Office of Airports*—(a) *Functions.* (1) Plans and coordinates the CAA activities designed to foster the establishment of a national system of airports suitable or adaptable to the future needs of civil aviation and national security.

(2) Develops and revises the National Airport Plan as required in the Federal Airport Act.

(3) Maintains liaison within the CAA, with the Department of Defense and other governmental and private agencies concerning agreements for military use of civil airports, and with the General Services Administration in connection with disposal of government property for airport purposes.

(4) Develops and promulgates administrative policies and technical standards governing airport planning, design, construction, and maintenance.

(5) Develops, for issuance by the Administrator, regulations governing the administration of the Federal-aid Airport Program, transfer of Federally owned land for airport use, and the repair and rehabilitation of public airports damaged by Federal agencies, under the Federal Airport Act.

(6) Develops and issues standards and instructions for administration of a program to foster airport development, which includes: furnishing advisory and consulting services to States, municipalities, civic groups, foreign governments and private interests in the planning of airport development and in the preparation of designs for individual airport projects; evaluating individual airport construction and improvement projects submitted by municipalities and other sponsoring bodies seeking financial participation by the Federal government, and recommending approval by the Administrator; fostering state and local legislation required to permit or facilitate airport development, and regulation and protection of approaches through zoning or property acquisition; and disposing of surplus property for airport purposes under provisions of the Surplus Property Act, as amended, and determining and enforcing compliance as to property conveyed under that act.

(7) Develops and recommends the CAA position on matters involving technical airport engineering standards for consideration by the Air Coordinating Committee, International Civil Aviation Organization, or other national and international groups; and, as assigned, provides technical assistance or representation in such groups in the formulation of nation-wide and world-wide technical airport engineering standards.

(8) Formulates standards, procedures, and definitions for the collection and maintenance of airport facility records and maintains current airport facility record data for airports in the United States.

(9) Effects compliance with laws and regulations affecting the operation of civil airports constructed with Federal funds.

(b) *Subordinate offices.*

Airport Engineering Division.
Airport Operations Division.

2. Section 34 (b) published on April 5, 1951, in 16 F. R. 2975, and amended on August 9, 1952, in 17 F. R. 7304, is amended to read:

SEC. 34. *Office of Federal Airways.* * * *

(b) *Subordinate offices.*

Executive Staff Division.
Planning Staff Division.
Flight Inspection Division.
Airways Engineering Division.
Airways Operations Division.

3. Section 43 (a) (1) published on April 5, 1951, in 16 F. R. 2975, and amended in 18 F. R. 2798, published on May 14, 1953, is amended by adding a new paragraph to read:

SEC. 43. *Regions 1–6*—(a) *Office of the Regional Administrator*—(1) *Functions.* * * *

Coordinates regional airspace utilization activities, except in Region 6; investigates and takes necessary action on non-Federal aids to air navigation and proposed construction of ground structures which might be potential hazards to air navigation, except in Region 6.

4. Section 43 (a), published on April 5, 1951, in 16 F. R. 2975, and amended in 18 F. R. 2798, published on May 14, 1953, is amended by adding a subsection (2) to read:

SEC. 43. *Regions 1–6*—(a) *Office of the Regional Administrator.* * * *

(2) *Regions 5 and 6.* In Regions 5 and 6, medical supervision is conducted and medical service activities are provided by the Office of the Regional Administrator. In Region 6, the airspace utilization function and the aids and hazards function are performed by the Airways Operations Division.

5. Section 43 (b) *Planning and Evaluation Division,* published on April 5, 1951, in 16 F. R. 2975, is deleted.

6. Section 43 (e) (1) published on August 9, 1952, in 17 F. R. 7304, is amended by adding new paragraphs to read:

SEC. 43. *Regions 1–6.* * * *

(e) *Airways Operations Division*—(1) *Functions.* * * *

Provides for the collection of data regarding existing airport facilities in the region as specifically assigned by the Regional Administrator.

Performs the airspace utilization function and the aids and hazards function in Region 6.

7. Section 43 (f) (1) published on April 5, 1951, in 16 F. R. 2975, is amended by adding a new paragraph to read:

SEC. 43. *Regions 1–6.* * * *

(f) *Facilities Division*—(1) *Functions.* * * *

Provides for the collection of data regarding existing airport facilities in the region as specifically assigned by the Regional Administrator.

8. Section 43 (f) (2) published on April 5, 1951, in 16 F. R. 2975, is amended to read:

SEC. 43. *Regions 1–6.* * * *

(f) *Facilities Division.* * * *

(2) *Subordinate offices.*

Facilities Establishment Branch.
Facilities Maintenance Branch.
Facilities Flight Inspection Branch.

9. Sections 43 (g) (1) (2) and (3) (i) published on April 5, 1951, in 16 F. R. 2975, are amended to read:

SEC. 43. *Regions 1–6.* * * *

(g) *Airports Division*—(1) *Functions.* Provides staff assistance to the Office of the Regional Administrator in the development and administration of the regional airports programs.

Directs the regional activities concerned with the administration of the Federal Airport Act and other Federal statutes relating to the establishment and improvement of civil airports by means of Federal aid.

Advises civic and other public agencies and private enterprises on airport site selection, planning, design, development, maintenance, and approach protection.

Recommends disposal of surplus airports and airport facilities; recommends public land transfers; directs the accom-

plishment of necessary repair and rehabilitation of civil airports damaged by Federal agencies for which funds have been appropriated.

Directs all administrative action necessary to effect compliance by public agencies with airport agreements, and Federal laws and regulations relating thereto, arising out of Federal aid statutes, surplus property disposal statutes and airport repair and rehabilitation activities.

Furnishes technical data and advice with respect to airport considerations involved in other regional programs, and collaborates with other Divisions in coordinating airport planning and development programs with other regional policies and programs.

(2) *Subordinate offices.*

Airport Engineering Branch.
Airport Operations Branch.

(3) *Airport District Offices*—(i) *Functions.* These offices, each under the supervision of a District Airport Engineer, serve as a contact point with the general public on matters pertaining to the functions of the Airports Division. The offices are responsible for the initial handling of all matters dealing with the establishment and improvement of civil airports by means of Federal aid, and compliance with laws, regulations, and agreements related thereto; application of Federal standards for airport site selection, planning, design, development, maintenance, and approach protection; disposal of surplus airports and airport facilities; and use of Federal lands for airport purposes.

10. Section 43 (h) (1) published on August 9, 1952, in 17 F. R. 7304, is amended by deleting the third paragraph and by adding a new paragraph to read:

SEC. 43. *Regions 1–6.* * * *

(h) *Aviation Safety Division*—(1) *Functions.* * * *

Provides for the collection of data regarding existing airport facilities in the region as specifically assigned by the Regional Administrator.

11. Section 44 (b) published on April 5, 1951, in 16 F R. 2975, is amended by deleting "Plans and Performance Standards Division"

12. Section 51 (a) published on April 5, 1951, in 16 F R. 2975, is amended to read:

SEC. 51. *Aeronautical Center*—(a) *Functions.* Plans and conducts such standardization and training courses for CAA employees and other individuals as are required to establish or maintain personnel proficiency for the various programs of the CAA, modifies, assembles, and distributes equipment and materials for installation or erection of CAA facilities or aids to air navigation.

This amendment shall become effective upon publication in the FEDERAL REGISTER.

[SEAL] F B. LEE,
Administrator of Civil Aeronautics.

[F. R. Doc. 53–6713; Filed, July 30, 1953; 8:50 a. m.]

FEDERAL POWER COMMISSION

[Docket No. G–1964]

TEXAS EASTERN TRANSMISSION CORP.

ORDER RECONVENING HEARING

By Opinion No. 239 and accompanying order issued November 10, 1952, the Commission approved on certain conditions the "Statement of Basis for Interim Settlement" submitted to it by the parties in this matter. That opinion contemplated the recess of hearings in this matter until such time as certain costs and income of the applicant might be more surely ascertained.

Point (7) of the Interim Settlement stated, "That upon the resumption of the hearing in this case, Applicant be granted the right to offer additional evidence as a part of its direct case, and all parties shall have the right to cross-examine any of Applicant's witnesses and also to offer any evidence which may be pertinent to the issues."

The Commission finds:

(1) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act that a public hearing be held at the time and place hereinafter ordered.

(2) It is necessary and appropriate in carrying out the provisions of the Natural Gas Act, and it is in the public interest, that the procedure hereinafter prescribed be followed at the reconvened hearing in order to conduct the proceedings with reasonable dispatch.

The Commission orders:

(A) A public hearing be held commencing August 10, 1953, at 10:00 a. m., e. d. s. t., in the Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D. C., concerning the lawfulness of the rates, charges, classifications, and services of Texas Eastern Transmission Corporation's FPC Gas Tariff, First Revised Volume No. 1, and proposed First Revisions Nos. 77 and 78 to its FPC Gas Tariff, Original Volume No. 2, as modified by Exhibit A and Exhibit B to Exhibit 61 in the record of this proceeding, and the rules, regulations, practices and contracts relating thereto.

(B) At the reconvened hearing Texas Eastern Transmission Corporation shall go forward first and shall present and complete its additional case-in-chief, if any, before cross-examination is undertaken.

(C) On or before July 29, 1953, Texas Eastern Transmission Corporation shall serve upon all parties, including Commission Staff Counsel, copies of all prepared testimony and exhibits proposed to be offered at the reconvening hearing.

Adopted: July 24, 1953.

Issued: July 27, 1953.

By the Commission.

[SEAL] LEON M. FUQUAY,
Secretary.

[F. R. Doc. 53–6692; Filed, July 30, 1953; 8:45 a. m.]

INTERSTATE COMMERCE COMMISSION

[4th Sec. Application 28307]

CRUSHED STONE FROM GEORGIA, IND., TO CISNE, ILL.

APPLICATION FOR RELIEF

JULY, 28, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for the Baltimore and Ohio Railroad Company.

Commodities involved: Crushed stone, carloads.

From: Georgia, Ind.

To: Cisne, Ill.

Grounds for relief: Wayside pit competition.

Schedules filed containing proposed rates: Baltimore and Ohio Railroad Company tariff I. C. C. No. 23949, supp. 35.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53–6698; Filed, July 30, 1953; 8:47 a. m.]

[4th Sec. Application 28308]

FERRO-PHOSPHORUS FROM VICTOR, FLA., TO FAIRLESS, PA.

APPLICATION FOR RELIEF

JULY 28, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Ferro-phosphorus, carloads.

From: Victor, Fla.

To: Fairless, Pa.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1376, supp. 2.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-6699; Filed, July 30, 1953; 8:47 a. m.]

[4th Sec. Application 28309]

SOFT COAL OR BITUMINOUS FINE COAL FROM ILLINOIS AND KENTUCKY TO CARLISLE, IOWA

APPLICATION FOR RELIEF

JULY 28, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. G. Raasch, Agent, for carriers parties to schedules listed below.

Commodities involved: Soft coal or bituminous fine coal which will pass through a bar screen not exceeding 1½ inches between bars or its equivalent, carloads.

From: Mines in southern Illinois, Belleville, Ill., and western Kentucky groups.

To: Carlisle, Iowa.

Grounds for relief: Competition with rail carriers, market competition, to maintain grouping, threatened natural gas competition.

Schedules filed containing proposed rates: B&O, tariff I. C. C. No. C&C 3040, supp. 15; C&EI, tariff I. C. C. No. 2, supp. 154; CB&Q, tariff I. C. C. No. 20331, supp. 42; GM&O, tariff I. C. C. No. 262, supp. 10; IC, tariff I. C. C. No. E-1869, supp. 27; MP tariff I. C. C. No. A-10201, supp. 34; NYC, tariff I. C. C. No. 1306, supp. 32; PRR, tariff I. C. C. No. 3210, supp. 15; C. A. Spaninger, Agent, tariff I. C. C. No. 1224, supp. 46.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-6700; Filed, July 30, 1953; 8:47 a. m.]

[4th Sec. Application 28310]

WAX FROM SOUTHWEST TO WEST

APPLICATION FOR RELIEF

JULY 28, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Paraffin wax and petroleum wax, NOIBN, in packages, in bulk, and in slabs, carloads.

From: Points in southwestern and Kansas-Missouri territories.

To: Points in Colorado, Kansas, New Mexico, Texas, Utah, and Wyoming.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, additional commodities.

Schedules filed containing proposed rates: F C. Kratzmeir, Agent, tariff I. C. C. No. 3585, supp. 548; F. C. Kratzmeir, Agent, tariff I. C. C. No. 3821, supp. 119; F. C. Kratzmeir, Agent, tariff I. C. C. No. 3494, supp. 274; C. J. Hennings, Alternate Agent, tariff I. C. C. No. 3578, Supp. 75.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD, *Acting Secretary.*

[F. R. Doc. 53-6701; Filed, July 30, 1953; 8:47 a. m.]

[4th Sec. Application 28311]

SULPHURIC ACID FROM HOUSTON, TEX., TO HATTIESBURG, MISS.

APPLICATION FOR RELIEF

JULY 28, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F. C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Sulphuric acid, in tankcar loads.

From: Houston, Tex.

To: Hattiesburg, Miss.

Grounds for relief: Competition with rail carriers, circuitous routes, additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, tariff I. C. C. No. 3967, supp. 246.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W. LAIRD, *Acting Secretary.*

[F. R. Doc. 53-6702; Filed, July 30, 1953; 8:47 a. m.]

[4th Sec. Application 28312]

ZIRCON ORE FROM MELBOURNE, FLA., TO OFFICIAL AND ILLINOIS TERRITORIES

APPLICATION FOR RELIEF

JULY 28, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Zircon ore (crude zirconium silicate) carloads.

From: Melbourne, Fla.

To: Specified destinations in official and Illinois territories.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping, to apply rates constructed on the basis of the short-line distance formula.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1346, supp. 15.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-6703; Filed, July 30, 1953; 8:48 a. m.]

[4th Sec. Application 28313]

CAST IRON PIPE FROM THE SOUTH TO DERBY, COLO.

APPLICATION FOR RELIEF

JULY 28, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by R. E. Boyle, Jr., Agent, for carriers parties to schedule listed below.

Commodities involved: Cast iron pipe and related articles, carloads.

From: Specified points in southern territory.

To: Derby Colo.

Grounds for relief: Competition with rail carriers, circuitous routes, to maintain grouping.

Schedules filed containing proposed rates: C. A. Spaninger, Agent, tariff I. C. C. No. 1374, supp. 3.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-6704; Filed, July 30, 1953; 8:48 a. m.]

[4th Sec. Application 28314]

BARITE FROM BUTTERFIELD AND MALVERN, ARK., TO PROVO, UTAH

APPLICATION FOR RELIEF

JULY 28, 1953.

The Commission is in receipt of the above-entitled and numbered application for relief from the long-and-short-haul provision of section 4 (1) of the Interstate Commerce Act.

Filed by F C. Kratzmeir, Agent, for carriers parties to schedule listed below.

Commodities involved: Barite (barytes) carloads.

From: Butterfield and Malvern, Ark.

To: Provo, Utah.

Grounds for relief: Competition with rail carriers, circuitous routes, to apply rates constructed on the basis of the short-line distance formula, additional routes.

Schedules filed containing proposed rates: F. C. Kratzmeir, Agent, tariff I. C. C. No. 3973, supp. 25.

Any interested person desiring the Commission to hold a hearing upon such application shall request the Commission in writing so to do within 15 days from the date of this notice. As provided by the general rules of practice of the Commission, Rule 73, persons other than applicants should fairly disclose their interest, and the position they intend to take at the hearing with respect to the application. Otherwise the Commission, in its discretion, may proceed to investigate and determine the matters involved in such application without further or formal hearing. If because of an emergency a grant of temporary relief is found to be necessary before the expiration of the 15-day period, a hearing, upon a request filed within that period, may be held subsequently.

By the Commission.

[SEAL] GEORGE W LAIRD,
Acting Secretary.

[F. R. Doc. 53-6705; Filed, July 30, 1953; 8:48 a. m.]

OFFICE OF DEFENSE MOBILIZATION

GROSSE ILE, MICHIGAN, AREA

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951, AS AMENDED

JULY 28, 1953.

Upon a review of specific data presented to me, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951, as amended, exist in the

Grosse Ile, Michigan, Area: The area consists of Grosse Ile and Monguagon Townships, including the Villages of Riverview and Trenton, in Wayne County, Michigan.

This supersedes certification made under date of May 27, 1952.

Accordingly, pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

ARTHUR S. FLEMMING,
Director Office of Defense Mobilization.

[F. R. Doc. 53-6743; Filed, July 29, 1953; 12:45 p. m.]

GREENVILLE, MISSISSIPPI, AREA

FINDING AND DETERMINATION OF CRITICAL DEFENSE HOUSING AREAS UNDER DEFENSE HOUSING AND COMMUNITY FACILITIES AND SERVICES ACT OF 1951, AS AMENDED

JULY 28, 1953.

Upon a review of specific data presented to me, I find that all of the conditions set forth in section 101 (b) of the Defense Housing and Community Facilities and Services Act of 1951, as amended, exist in the

Greenville, Mississippi, Area: The area consists of all of Washington County, Mississippi.

Accordingly pursuant to section 101 of the Defense Housing and Community Facilities and Services Act of 1951 and by virtue of the authority vested in me by Executive Order 10296 of October 2, 1951, I hereby determine that said area is a critical defense housing area.

ARTHUR S. FLEMMING,
Director, Office of Defense Mobilization.

[F. R. Doc. 53-6744; Filed, July 29, 1953; 12:45 p. m.]